

1 LAND PLANNING AGENCY/
2 PLANNING AND ZONING COMMISSION
3 COUNTY SERVICES BUILDING
4 ROOM 1028
5 November 6, 2002 - 7:00 P.M.
6 MINUTES

7
8
9 **Board Present:**

10 Ben Tucker, Chairman
11 Alan Peltz
12 Dick Harris
13 Beth Hattaway
14 Dudley Bates

15
16 **Staff Present:**

17 Matt West, Planning Division Manager
18 Tony Matthews, Planning Division
19 Jeff Hopper, Planning Division
20 Amanda Smith, Planning Division
21 Earnest McDonald, Principal Coordinator
22 Shannon Suffron, Development Review Division
23 Karen Consalo, Assistant County Attorney

24
25 **I. CALL TO ORDER**

26 Chairman Tucker convened the meeting to order at 7:07 p.m.

27 **II. ROLL CALL**

28 Quorum was established.

29 **III. ACCEPTANCE OF PROOF OF PUBLICATION**

30 **Motion by Commissioner Harris to approve proof of publication. Second by**
31 **Commissioner Hattaway**

32 **Motion passed unanimously. (5-0)**

33 **IV. APPROVAL OF MINUTES**

34 **Motion by Commissioner Harris approve the minutes of the October 2, 2002,**
35 **meeting. Second by Commissioner Peltz.**

36 **Motion passed unanimously. (5-0)**

A. AMENDMENT TO LAND DEVELOPMENT CODE OF SEMINOLE COUNTY:

A PROPOSED ORDINANCE ALLOWING THE SEMINOLE COUNTY PLANNING AND DEVELOPMENT DIRECTOR TO GRANT ADMINISTRATIVE WAIVERS TO LOT SIZE AND LOT WIDTH ZONING REQUIREMENTS IN THE A-1, A-3, A-5, AND A-10 (AGRICULTURE) ZONING CLASSIFICATIONS AND WITHIN THE RC-1 (COUNTRY HOMES DISTRICT) ZONING CLASSIFICATION, TO IMPLEMENT SEMINOLE COUNTY COMPREHENSIVE PLAN (VISION 2020) POLICY FLU 5.19 (ADMINISTRATIVE APPROVAL OF WAIVERS TO LOT SIZE AND WIDTH) ADOPTED SEPTEMBER 13, 2002.

BCC DISTRICTS: UNINCORPORATED SEMINOLE COUNTY

DICK BOYER, SENIOR PLANNER

37

38 **Having no old business, Chairman Tucker announced that the first three items on**
39 **the New Business agenda had asked for a continuance. Item A has requested a**
40 **continuance to January 8, 2003.**

41 **Commissioner Harris made the motion to continue item A to January 8, 2003.**

42 **Chairman Peltz seconded the motion.**

43 **Vote was unanimously approved to continue to January 8, 2003.**

44 **Item B has also requested a continuance to the December 4, 2003 meeting.**

45 **Commissioner Harris made the motion to continue to December 4, 2003.**

46 **Commissioner Peltz seconded the motion.**

47 **Vote was unanimously approved to continue to December 4, 2003.**

48 **Item C has asked for an indefinite continuance.**

49 **Amanda Smith explained that the applicant is trying to work with an adjacent**
50 **property owner to buy additional property for the Zelman Tract and wants to**
51 **complete the negotiations for that particular item before coming back before the**
52 **Board.**

53 **Commissioner Harris made the motion to continue item C to January 8, 2003.**

54 **Commissioner Peltz seconded the motion.**

55 **Vote was unanimously approved (5-0).**

56 **Chairman Tucker announced that Ms. Smith was making her last presentation to**
57 **the LPA board because she is leaving for the Washington D.C. area and extended**
58 **his thanks to her for her many presentations.**

59 D. **MAJOR REVISION** to the Mystic Cove PUD Final Master Plan and
60 Developer's Commitment Agreement located on the East side of SR 417 and
61 North of SR 426.

62 BCC District 1 – Maloy Amanda Smith, Senior Planner

63 Amanda Smith gave a brief history and intent of the item. The proposed revisions
64 include allowing individual lots to have less than 25% open space as long as the overall
65 development maintains the 25% open space requirement. Also, they are requesting a
66 masonry wall within the landscape buffer between Tracts A and B and an additional
67 ground sign for Tract B and other minor changes, which do affect the overall character
68 of the Planned Unit Development. Staff recommends approval of the proposed
69 changes.

70 Chairman Tucker asked Ms. Smith to clarify the statement on page 6 of the staff report
71 pertaining to dry storage only.

72 Ms. Smith explained that is something the applicant requested. They didn't want
73 something like liquid chemicals on site.

74 Commissioner Harris made the motion to approve with staff recommendations.

75 Commissioner Peltz seconded the motion

76 Vote was unanimously approved (5-0).

77 Chairman Tucker explained that item E and F would be reversed and F would be heard
78 first.

F. **BUTLER RIDGE DEVELOPMENT; (AKA KENMURE);** BUTLER
DEVELOPMENT, INC. / ELLSWORTH GALLIMORE, APPLICANT; MAJOR
REVISION TO THE PUD PRELIMINARY MASTER PLAN FOR A SINGLE-
FAMILY RESIDENTIAL SUBDIVISION ON 108 ACRES; APPROXIMATELY ¼
MILE SOUTH OF RED BUG LAKE ROAD BETWEEN BROOKS LANE AND
MIKLER ROAD (Z2001-041)

COMMISSIONER MALOY – DISTRICT #1 JEFFREY HOPPER, SENIOR
PLANNER

79 Jeff Hopper gave a brief history and intent of the item. He stated that this development,
80 which was originally approved in February 2002, will consist of 174 single-family lots at
81 a net density of 2.34 units per acre. Prior to receiving final Master Plan approval the
82 developer must resolve 2 issues. The first involves the location of a proposed utility
83 easement within the project. In conjunction with the original PUD approval, the

84 applicant agreed to dedicate a 30-foot easement across the site allowing Seminole
85 County Environmental Services to install a major water line, which will facilitate public
86 water service in the area. The second issue is an assignment of responsibility for
87 providing a pedestrian access for school children leading north from the subdivision to
88 Red Bug Lake Road. The applicant contends that this responsibility should be shared
89 with other property owners along the right-of-way and is seeking clarification of the
90 language approved in the Development Order. Staff has no objection to the proposed
91 relocation of the utility easement in order to facilitate construction and maintenance
92 without adversely affecting development to the south. The applicant's proposal
93 concerning the pedestrian access, however, is not supported by staff. The full length of
94 the access should be provided concurrently with development of the project.

95 Commissioner Harris asked to see the location of the foot path (located on the overhead
96 map).

97 Commissioner Hattaway noted that the only school in that area was an elementary
98 school. She asked if the applicant proposed that those children walk through there.

99 Mr. Hopper stated that the design standards of that access would be addressed at final
100 master plan or possibly final engineering.

101 Bill Holmes of CPH Engineers addressed the Commission to say the commitment to go
102 off-site was not understood by Mr. Gallimore when the original zoning was proposed.
103 He understood that they wanted the tract on-site. The area where the path is to be
104 constructed is flood prone and wetlands. Fill would be needed to put the sidewalk
105 there.

106 Ellsworth Gallimore stated that for years, there had been a drainage problem to the
107 south of this property. The owners to the south are very happy because we have
108 designed a retention pond and a buffer and made changes to control the water that runs
109 off of their property. We have given an easement south of the property for a 30 inch
110 water main line, which we do not need and that is for the county's purpose. It was
111 never understood by me that we would have to build a road from our subdivision to Red
112 Bug Road. To go off-site and do that walkway all the way up is an imposition.

113 Jim Watry addressed the Commission to say that it is his understanding that the
114 Sheriff's Department is against putting a pedestrian road in there because of safety
115 issues. He is against the easement going through because it abuts up against his
116 property.

117 Bill Holmes pointed out that the Sheriff's comments are located at the bottom of the
118 second page of the staff report.

119 Curtis Stone addressed the Commission to say that he owns a 44-acre property to the
120 east of the project. He feels that one of the issues that need to be addressed is the
121 sidewalk all the way down to Red Bug. As for the red light, not much more traffic could
122 be handled without one. There are definitely more issues than just the pedestrian
123 walkway.

124 Tom Boyko from the Red Bug Coalition addressed the Commission to say that this
125 issue had been discussed before and the Sheriff's Department is objecting to the road.
126 The residents of Cobblestone have inquired many times as to why there are no
127 sidewalks on Brooks Lane. The residents of Cobblestone are in agreement with Mr.
128 Gallimore.

129 Mike Lamato addressed the Commission to say that Mr. Gallimore has been open with
130 his plans but wanted clarification of the revision of the water line. The second issue is
131 an addition of a south-bound turn lane from Brooks Lane into the subdivision that would
132 require widening the road. He would rather not lose some of his property to the
133 widening of that road. His biggest opposition would be the widening of Brooks Lane.

134 Bill Holmes addressed the Commission to say that Mr. Gallimore had committed to the
135 pro-rata share of the red light on Red Bug. There isn't much choice on Brooks Lane.
136 We have to put a turn lane in there because of traffic. There will be a left turn coming
137 south and a bypass going north. It will not go down past the south property line.

138 Commissioner Hattaway asked Mr. Holmes if WaterStone had committed to paving any
139 part of the pathway.

140 Mr. Holmes replied no to his knowledge. They are putting a sidewalk next to their wall
141 on their frontage on Mikler.

Chairman Tucker closed the public comment portion of the hearing.

143 Commissioner Harris stated that he could not think of any other time when the county
144 had asked a developer to make improvements off-site on right-of-way or on property he
145 doesn't own. What precedent do we have for that?

146 Matt West addressed the Board to explain that the district commissioner at the County
147 Commission meeting had a concern that the schools don't bus within a certain radius
148 and there is the possibility that children in this subdivision would have to walk to school.
149 If Development Review finds that there are too many wetlands issues, we are not
150 married to that concept. Mr. West said that our concern is how would these children get
151 to school safely? Typically, when you access a road that isn't County standard, you
152 must bring that road up to standard.

153 Chairman Tucker pointed out one circumstance (Teague Middle School) that off-site
154 development of sidewalks was one of the requirements of the Board of Adjustment.
155 The School Board did it and appealed it to the County Commission and it was waived.

156 Commissioner Harris stated that he too was having a problem with that. We are already
157 taxing the developer for impact fees. That is a bad precedent to set and unfair to this
158 developer. He sees some public access issues that should be paid by impact fees that
159 are being tacked onto this particular development because it is a PUD.

Chairman Tucker agreed and said that he also had a problem with the off-site issue.

161 Matt West stated that this proposal would go to the County Commission and if they
162 decide they want to appropriate the money to pay for it as opposed to having the
163 developer pay for it, then that's fine.

164 Commissioner Harris stated that the issue comes down to putting the onus on the
165 developer to make improvements along the right-of-way where he owns no land
166 adjacent and may not have the ability to make the improvements that are dictated.
167 Putting in a pedestrian walkway there requires infrastructure far beyond what is
168 reasonable. I have no trouble at all telling the developer to put a sidewalk along Brooks
169 Lane but the other approach is unwarranted in this case.

170 Commissioner Harris made the motion to approve the relocation of the water main and
171 putting a sidewalk along Brooks Lane, but deleting the portion relative to the pedestrian
172 walk-way north of the property.

Commissioner Peltz seconded the motion.

Vote was unanimously approved (5-0).

**E. BUTLER RIDGE SUBDIVISION; BUTLER RIDGE DEVELOPMENT, INC. /
ELLSWORTH GALLIMORE; CPH (ORLANDO)-BILL HOLMES;
APPROXIMATELY 108.46 ACRES; PRELIMINARY SUBDIVISION APPROVAL
FOR 174 LOT, SINGLE FAMILY RESIDENCES, ZONED PUD; SOUTH OF RED
BUG ROAD AND BETWEEN BROOKS LANE & MIKLER ROAD (02-5500024)**

COMMISSIONER MALOY – DISTRICT 1

SHANNON SUFFRON, P

175 Shannon Suffron gave a brief history and intent of the item. She pointed out there is a
176 small variation in the lot sizes, which range in size from 9,000 square feet to 10,650.
177 The smaller lots are located internal to the subdivision and the larger lots are on the
178 perimeter. Staff recommends approval of this request.

Commissioner Harris made the motion to approve the request.

Commissioner Peltz seconded the motion.

Vote was unanimously approved (5-0)

182 **G. RUBY OFFICE BUILDING / Gifford Anglim, Rezone from Residential
183 Professional (RP) and Agriculture (A-1) to Office (OP), approximately 0.38
184 acres; SE corner of Lake Howell Lane and Ruby Court (Z2002-020)**

BCC District 4 – Henley - Jeffrey Hopper, Senior Planner

186 Jeff Hopper gave a brief history and intent of the item. Due to the small size of the lot,
187 the applicant is requesting waivers of County regulations on buffer widths along Ruby
188 Court and Howell Creek Lane, number and size of parking spaces and fire lanes. Staff
189 is supporting the waiver of buffer widths and parking space dimensions. However,
190 rather than eliminate the required fire lane, staff recommends reducing the building size

191 to 4,200 square feet. At this size, the three parallel parking spaces on the site plan
192 would not be needed and this area could be used for the fire lane instead. Staff
193 recommends approval of the request subject to development conditions listed in the
194 staff report.

195 Gifford Anglim, representing the owner and developer, addressed the Commission to
196 say that he has worked closely with staff to identify and resolve problems. The fire lane
197 had been discussed at the development review process and the fire representative did
198 not have a problem with the fire lane issue. The square footage of the building will
199 require some common areas and reduction of the building size to 4,200 square feet will
200 make it marginal in terms of economic viability. We would request that the elimination
201 of the fire lane be approved. The building will be sprinkled and there are fire hydrants
202 within the appropriate distance. The other issue is that we would like to have both
203 general office and medical/dental use. The submitted renderings show that the building
204 is extremely residential in character in order to fit within the surrounding properties. The
205 existing office across the street is medical/dental and it was developed prior to the
206 active/passive requirements. We have no problem with the lighting and have designed
207 the retaining wall so as not to have an effect on the existing oaks and vegetation. The
208 buffers do meet code requirements; mechanical units will located on the east side of the
209 building and will be properly screened with vegetation or screening if required. We are
210 negotiating with the power company who has their easement on the east side in order to
211 accomplish constructing the building as proposed. The plan also depicts curb around
212 the entire parking lot. The City of Casselberry has no objection to curb-side refuse pick-
213 up. We are also proposing to contract with a mobile paper recycling and shredding
214 service in order to minimize the amount of waste. He asked the Commission to accept
215 the project as proposed.

216 Commissioner Harris asked Mr. Anglim to reiterate the fire lane situation

217 Mr. Anglim stated that in the development review meeting, Ron Neil indicated that he
218 didn't have any objection to the waiver from the fire access area and recommended the
219 fire access area as shown on the plan.

220 Mike Bongorz addressed the Commission to say that he and his neighbors welcome
221 and encourage this development.

222 Commissioner Harris asked Mr. Hopper to explain why staff does not recommend
223 medical or dental offices?

224 Jeff Hopper explained that because the street is still a residential area even though the
225 land use is office. Medical and dental offices tend to have higher traffic flow.

226 Commissioner Harris stated that if the future land use is office professional, then why
227 would the developer be denied the right to actually develop according to what is in that
228 land use?

229 Matt West addressed the Commission to say that the concern is that the three parallel
230 spaces as shown are not county standard spaces. It would be very difficult for anyone

231 to park there because they should be a minimum of 10X22 and these spaces are 9X18.
232 That means the 5,000 square foot building is short 4 parking spaces. Medical offices
233 typically need more parking than general office. The applicant is asking for something
234 that is less than the code requires and the concern is that if there is not enough parking,
235 then people would be parking out on Ruby Court itself.

236 Commissioner Harris recalled a previous discussion about the 10x20 parking spaces
237 but a large percentage of the vehicles today are smaller, such as a Honda Accord. It
238 might behoove the county to look at the same requirements as parking garages, which
239 have smaller parking spaces for compact cars, etc.

240 Mr. West stated that the county is in the process of overhauling the code and that is one
241 area that definitely needs to be rewritten.

242 Chairman Tucker stated that there is certainly room for discussion on the size of parking
243 spaces but he would have a problem with the parking aspects of a medical office being
244 on a residential street because the overflow will go straight down in front of those
245 homes. He has no problem with it being general office and to waiver it down to 9X18,
246 but keeping the medical in there would be a good decision.

247 **Commissioner Harris made the motion to approve with staff recommendations**
248 **but removing number 4.**

Commissioner Peltz seconded the motion.

Vote was approved 4-1 with Commissioner Hattaway voting nay.

251 H. **SANDY LANE RESERVE 2**; Signature Development Corporation, applicant;
252 Approximately 4.8 acres rezoned from A-1 (Agriculture) to R-1AAAA (Single-Family
253 Dwelling District); Located on the west side of Sandy Lane, approximately 800 feet
254 south of the intersection of Sandy Lane and Sand Lake Road (Z2002-024).

BCC District 3 – Commissioner Van Der Weide

Tony Matthews, Principal Planner

257 I. **SANDY LANE RESERVE 3**; Signature Development Corporation, Applicant;
258 approximately 4.9 acres; rezone from A-1 (Agriculture) to R-1AAA (Single Family
259 Dwelling District) Located on the west side of Sandy Lane, approximately 1,100 feet
260 south of the intersection of Sandy Lane and Sand Lake Road (Z2002-025).

COMMISSIONER VAN DER WEIDE – DISTRICT 3

TONY MATTHEWS, PRINCIPAL PLANNER

263 Tony Matthews asked the Commission if he could present the two Sandy Lane items
264 together with a separate vote on each. Both of these parcels have a land use of Low
265 Density Residential and the applicant is proposing to develop eight single-family lots on

266 each of the two properties. Staff recommends approval with both requests as
267 proposed.

268 Bill Holmes from CPH Engineers stated that he would answer any questions the Board
269 might have. The reason the southern section was requested for R-1AAA is because
270 there are some wetlands on the property.

Chairman Tucker asked Mr. Holmes to address the letter from Baldwin-Fairchild.

272 Mr. Holmes stated that the runoff now leaving the site will not increase. The retention
273 area was built first, so that any increase in runoff during construction would be detained
274 and held before going off-site.

275 Commissioner Harris asked if there was a developer's commitment that each of those
276 five-acre parcels will contain no more than eight homes.

Mr. Holmes stated that Mr. Watkins is here to make that commitment.

278 Ken Watkins with Signature Homes addressed the Board to say that he is planning to
279 build just eight houses on each section.

280 Steve Zober addressed the Board to say that back in the mid-90's there was a flood
281 from a lake over on the other side of Foxwood that overflowed and caused Hunt Club
282 Publix to cave in. A pump has since been put in, but there was flooding in the
283 cemetery. His concern is that water from those homes drain back to that levy and if the
284 wall will stop runoff going back into his property and his neighbors.

285 Mr. Holmes addressed the question to say that any wall constructed on the west side
286 would have holes in the bottom of it so that any water coming through would continue to
287 flow through the wall.

288 **Commissioner Harris made the motion to approve the Sandy Lane Reserve 2**
289 **request with staff recommendations and the developer's commitment that no**
290 **more than eight homes be constructed on that parcel.**

Commissioner Peltz seconded the motion.

Vote was unanimously approved (5-0).

293 Commissioner Harris made the motion to approve the Sandy Lane Reserve 3 request
294 with staff recommendations and the developer's commitment that no more than eight
295 homes be constructed on that parcel.

Commissioner Bates seconded the motion.

Vote was unanimously approved (5-0).

298 J. **BOUGAINVILLEA CLINIQUE**; Jay Jackson, P.E. applicant; approximately 2.467
299 Acres; rezone from OP (Office) To OP (Office): located on the northeast corner of
300 Aloma Avenue (SR 426) and Bear Gully Road. Z2002-021)

BCC District – Maloy

Earnest McDonald, Principal Coordinator

302 Earnest McDonald gave a brief history and intent of the item. The property was
303 originally rezoned in March of 1977 from R-1AA and A-1 to the current zoning
304 classification. This request is essentially not a rezoning action, but a substantial site
305 plan modification. Any modification of that type is required to be reviewed by the
306 Planning and Rezoning Commission and subsequently approved by the Board of
307 County Commissioners. The existing building is approximately 4,245 square feet is
308 proposed to expand to 18,000 square feet. No additional access points are requested
309 for this site, however additional traffic details will be required prior to final development
310 permits. The applicant has expressed a desire to connect to County water and sewer
311 utilities. A total of 90 parking spaces would be required for the size of the building
312 proposed. Staff recommends approval of the request to rezone from OP to OP.

313 Jay Jackson with Kimley-Horn & Associates addressed the board to say that he had Dr.
314 Hartog and Thomas Moore with him to answer any questions.

Chairman Harris made the motion to approve with staff recommendations.

Commissioner Bates seconded the motion.

Vote was unanimously approved.

318 K. **FLOWERS FOREVER**; Sherry Fragomeni/Fragomeni Engineering, applicant;
319 approximately 2.5 acres; rezone from A-1 (Agriculture) to PCD (Planned Commercial
320 Development District) and preliminary PCD site plan located at the southwest corner of
321 School Street and Elder Road (Z2002-026)

BCC District 5 – Commissioner Mclain

Tony Matthews, Principal Planner

323 Tony Matthews gave a brief history and intent of the item. The applicant is proposing a
324 21,000 square foot building for assembly and distribution of artificial flower
325 arrangements. Staff is recommending denial of this application because the applicant
326 has not demonstrated that adequate road right-of-way is available to accommodate the
327 necessary infrastructure. With respect to the conditions, staff recommends that any
328 permitted uses within the PCD shall include the list of permitted and conditional uses
329 within the C-3 (General Commercial and Wholesale District) except for the following
330 uses, which would be prohibited:

- 1 Paint and body shops.
2. Public and private schools.
3. Service stations and gas pumps as an accessory use.

4. Mechanical garages, bus, cab and truck repair shops and storage.

335 5. Industrial, technical and trade schools.

336 Mr. Matthews then read the rest of the staff recommended conditions. Staff is
337 concerned about inadequate right-of-way. Staff would like the applicant to present a
338 signed agreement between the owner of the right-of-way off of Church. Staff could
339 make a favorable recommendation if this was done before going to the Board of County
340 Commissioners.

A discussion followed concerning the height restrictions in a HIP District.

342 Matt West addressed that Board to say that the applicant isn't proposing anything
343 higher than 35 feet.

344 Sherry Fragomeni addressed the Board to say that she can easily demonstrate that she
345 can get the necessary right-of-way and that she does have sufficient storm water.

346 A discussion followed addressing the access to Elder Road and Ms. Fragomeni stated
347 that she will have to pave approximately 1,175 feet of roadway (Church and Elder).

348 **Commissioner Harris made a motion to approve subject to staff conditions with**
349 **the following changes: Item 5 and 7 be struck and replaced with the statement**
350 **that no cell towers or other towers be permitted on this site.**

351 **Commissioner Hattaway seconded the motion**

Vote was unanimously approved (5-0).

Chairman Tucker called for a 10-minute break at 9:10 p.m.

354 **Chairman Tucker reconvened the meeting at 9:25 .m.**

355 L. **FOSSIT BUSINESS PARK**; Harling Locklin and Associates, applicant;
356 approximately 9.7 acres; Small Scale Plan Amendment from Suburban
357 Estates and Low Density Residential to Planned Development (08-02SS.3)
358 and rezone from A-1 (Agriculture) to PCD (Planned Commercial Development
359 District) and Preliminary PCD Site Plan located on the north and south side of
360 Orange Boulevard, at the northeast corner of Orange Boulevard and Missouri
361 Avenue and the southwest corner of Orange Boulevard and Halsey Avenue.
362 (Z2002-015)

BCC District 5 – Commissioner Mclain Tony Matthews, Principal Planner

364 Tony Matthews gave a brief history and intent of the item. The applicant is proposing
365 an 88,000 square foot office/warehouse development to be completed in two phases.
366 Staff is recommending approval of Planned Development land use on the north side of
367 Orange Boulevard as proposed with the findings as listed in the staff report. With

368 regards to the rezoning, staff is recommending the rezoning on the north side of Orange
369 Boulevard as proposed with findings as listed in the staff report.

370 Staff is recommending denial of Planned Development land use on the south side of
371 Orange Boulevard with the findings as listed in the staff report. With respect to the
372 rezoning of the south side, staff is also recommending denial as proposed with the
373 findings as listed in the staff report.

374 Staff also recommends one additional development order condition. The main access
375 to Orange Boulevard from the portion of the development located on the south side of
376 Orange Boulevard shall align with Missouri Avenue.

377 Hugh Harling addressed the Board to state that he is representing the Fossits, who own
378 the subject property. For the record, he passed out an exhibit package to each of the
379 commissioners. He presented plans of a proposed 6-foot masonry wall along the
380 Missouri side and stated that vines would be planted along the length of the wall. We
381 have agreed to bring the water system through our site and stub it under the wall at the
382 northwest corner of our project so that if the St. Johns residents need water, there
383 would be a much closer point of connection for them. He asked the board to support
384 staff recommendation to the north and support his request for the PCD to the south.

385 Ransome Wellborn addressed the Board to state that he had lived in the St. Johns
386 River Estates for 28 years and the only business there was the Port Authority. The plan
387 was decided that there should be low density residential or agricultural in the area west
388 of there. Than Briar Corporation came along and over the years, proceeded to develop
389 several parcels as industrial. If this zoning is approved, it would amount to spot zoning
390 because there is agricultural in between the other industrial. Orange Boulevard is a
391 sub-standard right-of-way. There are ditches on both sides of the road and you can't
392 even pull over. He asked the Board to deny this request.

393 Patrick Moore addressed the Board to say that he has an acre of land on the St. Johns
394 River and it is a unique subdivision. With the road being so narrow (Missouri) and if a
395 warehouse was built that close to Missouri, it would definitely be a problem. There is no
396 room on Missouri to pull off of the right-of-way.

397 Mr. Morrow addressed the Board to say that he had a letter from his neighbor stated
398 that her and her husband would like to express their opposition to the proposed
399 business industrial park. She and her neighbors were not notified about the possible
400 rezoning or the public hearing on November 6th, however they did attend the August 12th
401 community meeting at Wilson Elementary School. Mr. Morrow said it was his fear that
402 this would turn into the CR-427 mess.

Tim Templin addressed the Board to say that he is against this project.

Tammy Hamzehlouei addressed the Board to say that she is opposed to the request.

405 Tom Sheipe addressed the Board to say that this probably wouldn't be that bad of a
406 thing and would help the traffic flow and also bring in more people to our communities.

407 Jack Thompson addressed the Board to say that he is concerned about the traffic, land
408 values and the entrance to the subdivision.

Hugh Harling addressed the board to clarify some issues

410 1. At his presentation to Bookertown, they talked about Orange Blvd. and had
411 requested Lynx service to their community. They like the idea of having this
412 development there for the jobs that will be created close by.

2. There will not be a tin-type building on this project.

3. The house to the north owned by the Fossits will not be a part of the business.

415 4. As for the school bus issue, it does not come down Missouri but does pick up
416 the children about ½ miles from the subdivision. There is no place to park and
417 wait for their children. We have done a corner clip there on Missouri so that all
418 of that property will eventually be in a County right-of-way. He asked the Board
419 to approve the request.

420 Commissioner Harris clarified that the traffic flow would be improved because of a left
421 turn lane into Halsey and there is also a right-of-way to be deeded to the County for the
422 eventual widening of Orange Boulevard. He then asked about the number of homes in
423 Bookertown.

424 Tony Matthews stated that improvements are being made but he couldn't quote on the
425 number of dwelling units.

426 **Commissioner Bates stated that he was troubled by the encroachment of**
427 **industrial advancement into the residential character of this area. He is not sure**
428 **if he could support the request. He then made the motion to deny the request.**

The motion died for lack of a second.

430 **Commissioner Harris stated that in this particular case, he would feel comfortable**
431 **drawing a line at Missouri Street if we can have an agreement that it doesn't go**
432 **beyond that. Somewhere it does need to stop. With that, he made the motion to**
433 **approve the request with staff conditions.**

Commissioner Hattaway seconded the motion.

435 **Chairman Tucker asked Commissioner Harris if his motion encompasses both**
436 **parcels.**

437 **Commissioner Harris clarified that his motion encompasses both parcels with the**
438 **restrictions and conditions on page 2 and further of the development order.**

439 **Chairman Tucker stated that in all fairness, the development of**
440 **commercial/industrial won't stop at Missouri and it won't stop coming the other**

441 direction at Astor Farms. It will probably come up in both directions and there
442 will be residential in between. This will impact the community and its lifestyle to
443 a certain degree, but it is inevitable. It is a difficult decision, but he would have to
444 go with the motion.

445 Commissioner Hattaway stated that is not a unique situation. The main concern
446 is that this sort of growth cannot be stopped, but the community should have a
447 firm hand in how it is developed.

Vote was approved 4-1 with Commissioner Bates voting nay.

449 Tony Matthews stated that this item is tentatively scheduled to be heard at the
450 Board of County Commissioners meeting on December 10, 2002.

451 M. **DEEP LAKE PUD**; Harvey Slayton and Susan S. Irelan, applicants; rezone from
452 A-1 (Agriculture) to PUD (Planned Unit Development) for the development of mixed
453 residential and commercial uses; approximately 18.66 acres more or less located
454 south side of SR 426 (Aloma Ave), east of the Tuskawilla Road Extension and on
455 west side of Deep Lake Road (Z2002-008)

Commissioner Maloy – District 1

Jeffrey Hopper

Matt West made the presentation for the item.

458 Deep Lake is a mixed use planned unit development whose original preliminary master
459 plan and rezoning was approved in April of this year. At that time, the site was divided
460 into four tracts; one of those being a townhouse tract, which took a majority of the
461 property. The other tracts were to be commercial and office type uses, which is the
462 northern part fronting on 426. Subsequently, the developer had one builder under
463 contract to develop the site as well as properties to the south and that contract expired
464 and a new developer (Beazer homes) was picked up. A request was made to make
465 some changes to the preliminary PUD that the BCC denied on September 24th. The
466 request was to increase the number of town homes. He put a table on the overhead to
467 show the previous and current requests. The current preliminary master plan that was
468 on the record and approved as of April of this year approved a townhouse tract of 65
469 dwelling units, which equates to about 9.2 dwelling units per acre density. Also, that
470 plan had individual garages for the units. There was about 4.41 acres of commercial;
471 also, a tennis court and swimming pool were part of the open space amenities package.
472 In September, the Planning and Zoning Commission and the County Commission saw a
473 revised plan which was denied by the Board of County Commissioners where there was
474 a request to increase the number of town homes from 65 to 180, thereby creating a
475 density of about 17.3 units per acre. The garage units had been removed and replaced
476 with surface parking. They requested a reduction in the commercial area to about 3
477 acres and they took all retention and asked to share it with the South Tuskawilla PUD.
478 Since that time, the developer has resubmitted a major amendment, which is now on
479 the overhead. The new plan has 133 town house units, which is approximately 12.7
480 units per acre. Comparing that to a similar project to the west (Trinity Retail Center) is
481 almost an equivalent density. They have also increased the size of the townhouse and
482 put back the individual garages. They still have a decrease in the commercial acreage

483 as compared to the April plan. There is a plan showing a tennis court, tot lot, swimming
484 pool, cabana and some passive recreation areas as well. One of the concerns of the
485 residents at the September hearing was that they wanted staff to be sure that this met
486 the County's open space requirement. Staff did go out to the site and found that 25% of
487 the site is dedicated to common usable open space and therefore it does meet that
488 requirement. One of the major impediments to approving this in September was the
489 fact that the access to 426 is off this site. As you get close to 426, it veers over onto
490 the Clayton property. At that time in September there was not a signed agreement by
491 the adjacent property owner consenting to this joint access and it was critical to the
492 County Commission at that time to have that agreement in place and signed by all
493 parties. That is lined up with a DOT approved intersection. In the interim, between
494 September and now, the developer has secured all the signatures and approvals and
495 has an agreement with the property owners to the east. Also, due south of this project
496 on the old Deep Lake right-of-way, there are four single-family owners that are not part
497 of this PUD that rely on Deep Lake as their access and the developer was also required
498 to obtain their approval to do this relocation of the roadway and consent to the vacating
499 of the old right-of-way and the relocation and realignment of Deep Lake Road as shown
500 on the plan. We have received copies of their four executed agreements as well. There
501 are still a couple of differences between what staff is recommending in the report and
502 what the developer is requesting. The developer is requesting that only a PVC fence be
503 required around the entire perimeter of the townhouse tract that is abutting the exterior
504 properties. Staff recommends that in two locations, there should be a masonry wall.
505 The Saligas own a large tract of land that is low density residential land use and per the
506 county's active/passive buffer requirements, there should be a masonry wall there.
507 Also, code requires a buffer between the commercial and the town house tract because
508 there is a wide variety of uses that could go in that Tract J and it's easier to maintain a
509 masonry wall than a PVC fence.

510
511 **Staff recommends approval of the requested modifications to the Preliminary**
512 **Master Plan, subject to the following:**

- 513
- 514 1. The developer must maintain an agreement with the property owner to the east
515 (Greenway Center South) regarding a joint access road to SR 426. Said
516 agreement shall include, but not be limited to, the following issues:
 - 517 a. Provision of utilities such as water and sewer specifying location, sizes and
518 capacity to serve on each side of the joint access road.
 - 519 b. Aligning the joint access road with the proposed driveway for the
520 development on the north side of SR 426 (Greenway Center North).
 - 521 c. Specifying driveway locations along the joint access road for development
522 on both sides.
 - 523 2. Residential density shall not exceed 12.74 units per net buildable acre, as
524 defined in the Seminole County Land Development Code.
 - 525 3. Landscaping and lighting shall be consistent with the standards of the Lake
526 Mary Boulevard Overlay Ordinance, except that lighting height shall be limited
527 to 16 feet.

- 528 4. There shall be a 40-foot setback provided adjacent to Mr. Saliga's property to
529 the south, with a 6-foot masonry wall along the common property line.
530 5. The county's open space requirements shall be met for the entire PUD at 30
531 percent. Individual lots for the proposed development shall provide at least
532 25 percent open space.
533 6. Prior to Final Engineering Approval, the Owner and County staff shall assess
534 the feasibility of utilizing traffic-calming devices along Deep Lake Road.
535 7. The owner shall install hedges on the east side of Tuskawilla Road where it
536 abuts the project.
537 8. Within the buffer between town homes and South Tuskawilla Road, the
538 Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory
539 trees at 10 foot intervals.
540 9. Tracts I and J are approved for permitted and special exception uses within
541 the C-2 zoning district, with the exception of off-site signage (billboards),
542 mechanical garages, paint and body shops, contractor's equipment storage
543 yard, drive-in theaters, and adult entertainment establishments.
544 10. Tract K is approved for townhouse use, customary accessory uses, and
545 recreation and open space amenities located in common areas of the
546 development site.
547 11. The Owner shall provide recreational amenities as shown on the Preliminary
548 PUD Master Plan.
549 12. A landscape buffer shall be provided as follows between Tract J and Tract K:
550 a. The width of the buffer shall be 15 feet on Tract J and 22 feet on Tract K.
551 b. A 6-foot brick or masonry wall shall be provided along the common
552 property line.
553 c. The buffer on the south (residential) side of the required wall shall be
554 planted with at least 4 canopy trees per 100 linear feet.

555 **Commissioner Peltz asked about the location of the brick walls.**

556 Mr. West clarified that that it would be between the commercial tract and townhouse
557 tract and along the Saliga property down along the southwest part of the property.

558 **Commissioner Peltz then asked if there would be a brick wall along the dirt road**
559 **on the west side.**

560 Mr. West stated that the negotiations were to put landscaping there as opposed to a
561 wall because the other townhouse project (Trinity Retail) is there. We didn't see a need
562 to put a wall between the two like uses. He then introduced Mr. Ed Suchora from
563 Beazer Homes; Mr. Ron Henson the engineer from Design Service Group and Mr. Jim
564 Stelling is here from Aloma Green development. Mr. Suchora has renderings of what
565 the town homes will look like.

566 Mr. Ed Suchora of Beazer Homes, representing the applicant, stated that he would be
567 the builder/developer of this property. He pointed out to the board that he has modified
568 the September plan and modeled it after the Centex Trinity town home site that is
569 adjacent to our property to the west. We worked with staff and determined the model
570 on that site plan for calculating density and designed our plan to follow that model and
571 build this program as you see it here tonight. As a result, the new units are 20 feet wide

572 as are the Centex projects, with a single car garage. As Mr. West pointed out as far as
573 a perimeter buffer going around, this will be a gated private community. The planned
574 fencing around the entire site was to be poly-vinyl as required by Seminole County on
575 another project called Royal Oaks. At that time the Board of County Commissioners
576 recommended and required that we build our gated entry and enclose the rest of the
577 property in poly-vinyl. So we took that recommendation from a previous project and
578 thought that would be acceptable here since it was the same board. We plan to build a
579 decorative brick or masonry type wall out front and fully gate it. Another thing that is
580 important is that these are fee simple units; this is not a rental apartment community. It
581 will be ownership and will be controlled by a homeowners association of which that
582 association will take care of all common grounds, which include lawns, shrubs,
583 irrigation, pool, and tot lots. After meeting with the surrounding residents, their biggest
584 concerns are what the community will look like and how it will feel in the overall end
585 product. We are proud of our projects and we have put in property managers to keep
586 the property looking good. As Mr. West mentioned, there is now an agreement in place
587 with the Claytons and as a result, the new road will go in and will be aligned properly.
588 We also worked with each of the four property owners to the south who control the
589 easements down Deep Lake Court. We have received fully executed easement
590 releases, which have been recorded in the public records. We are only a fraction lower
591 in density than the Centex property and have more recreational amenities.

592 **Commissioner Peltz asked to see what the garages would look like.**

593 Mr. Suchora explained that the garages would be staggered so that you don't see a lot
594 of concrete driveways next to each other, thus creating a separation for each individual
595 entry. From the rear elevation, there are no elevated decks or balconies; there are
596 strictly patios.

597 Marcus Griffin asked for clarification on the C-2 uses. Does that exclude businesses
598 such as adult entertainment and those that sell beer, wine and liquor and have a bar?
599 He also asked if the rendering was concrete or was it subject to change (carved in
600 stone)? He also wondered if there were special restrictions on the HIP property and if
601 so do they also apply to the Deep Lake PUD? He also has some major concerns about
602 the traffic. There are four traffic lights within a span of about a half mile. He asked
603 about the timeframe of the DOT study that authorized the placement of a traffic light
604 next to this roadway. He is speaking in opposition to the request because the density is
605 still too great. This board has the power to stop the encroachment and protect our
606 community. There has to be a balance somewhere and can't always be pro-business.
607 He just wants to see balance and compromise.

608 Patty Duffy, who lives in the Trinity Bay subdivision, is a board member in Trinity Bay
609 and also the Tuskawilla/Aloma coalition. The applicant's original proposal was for 65-
610 garage town houses. Our community felt that this was a good project and compatible
611 with our community. It was approved and accepted by all. Then the 180 units were not
612 accepted by our community nor by the Board of County Commissioners, so why would
613 133 units be acceptable when this in fact doubles what was approved? The whole
614 project has been a scam from the beginning and since when does a project get
615 approval on a conceptual basis? When will the revisions stop so we can see what the
616 real product will be? We thought the price range would be from 140,000 to 160,000

617 dollars with the 65 unit plan. What is now proposed is at about 100 thousand dollars
618 complete with a disclaimer at the bottom. The disclaimer says that this is an artists
619 rendering only and may vary somewhat in precise detail and dimension. Beazer homes
620 reserves the right to change/alter materials, landscaping, specifications, features,
621 dimensions and designs without prior notice. That means we could be getting
622 apartments again. The Royal Oaks subdivision that Beazer Homes built on Red Bug
623 committed to buffers and landscaping to the residents behind them and they didn't fulfill
624 their promise. Why would this one be any different? Another question is that when was
625 the last time a property seen three times in less than nine months and submitted in
626 three different forms? Is this a new pattern or is this a continued special exception for
627 this developer? Commissioner Van Der Weide stated that he would not have approved
628 the initial request if he had known they would come back with revisions. He referred to
629 this as bait and switch. Our community still sees this tactic in effect. Commissioner
630 Morris and Aloma Development has now started a new concept for rezoning. Step 1
631 goes to the board with a plan that is minimal in size and gets approval for the zoning
632 change. The move to Step 2 is to submit a major revision to max out the property; ask
633 for as much as possible and see how it goes. If Step 2 doesn't work, go to step three
634 and resubmit again with a significant revision and see what you can get away with. This
635 message is what Commissioner Morris is sending out to developers and builders. What
636 will Seminole County look like in the future if this continues? Don't let Aloma
637 Development make a mockery out of the system. Do the right thing tonight; stop
638 wasting taxpayers' money and recommend denial of this project and revert back to the
639 original plan.

640 Ms. Bailey addressed the board to say that she never had any objections to the original
641 plan of 65 town homes that were priced at \$140,000 to \$160,000 with garages. She
642 has objected to subsequent projects. She submitted a letter from the Aloma Green
643 development that provided her with some research they had done regarding the
644 schools. The elementary school that her daughter attends is two years old and at
645 present has 10 portables and is obviously overloaded at this time. One of the answers
646 to that in this letter is that they were going to be building two new elementary schools to
647 alleviate this problem. The schools are in Winter Springs and Chuluota, so that won't
648 alleviate the problem we have here. The middle schools aren't going to be ready until
649 2006 and 2007. The woman who is head of the Seminole County facilities says in the
650 letter that the Seminole County School Board does not see our project as a problem
651 now or in the future. The other letter was delivered to our homes from Aloma
652 Development saying that they were attempting to place a high-quality development in
653 the area. She stated that they have made some significant changes but we are having
654 a hard time getting things in writing. It is good to hear from the County that there will be
655 wall but we have been without an answer about that. Our community doesn't know
656 what to believe because we haven't been given straight answers. Ms. Bailey is not
657 opposed to a town home project but she is opposed to continually dealing with
658 developers who are not really interested in making this community a better one. Ms.
659 Bailey is tired of the bait and twist; to be told one thing and are delivered something
660 else. She hopes this thing can be resolved tonight.

661 Craig Bailey, President of the Trinity Bay homeowners association, addressed the
662 Commission to say that we have heard how the developer has sacrificed one of the

663 commercial lots and in fact they have only lost a half acre of property. They are
664 increasing the number of units from 65 to 133, which is over twice the original number.
665 He also stated that there are four lights in less than four tenths of a mile. There will be
666 thousands more people with the hundreds of units that are going in now. It will be a
667 very difficult situation to cope with.

668 Dan Chapman addressed the Commission to say that he lived in Bear Creek. He is
669 also concerned with traffic. He also wanted to get clarification on units per acre. The
670 Planning people said that it would be about 12.74 per acre; Beazer said it would be 10.9
671 compared to 11.02 of the Centex property. The original plan was approximately 7.3
672 units per acre. He presented a letter of support from around the community against this
673 project. The letter is from Attorney Michael Sinemic. He represents the University
674 Boulevard Coalition and they are opposed to it. That coalition is made up of 33 home
675 owners associations. They are concerned because the infrastructure in this area is
676 already incapable of addressing present needs. He presented a couple of studies to
677 show this. Already, the net capacity is in the negative; 3,600 link trips per day. It is the
678 same businesses in this study that feed into the stretch on Aloma. The capacity is
679 about 48,000 link trips per day. Most of the development going toward Tuskawilla aren't
680 in place yet, so he is surprised that the capacity is 48,000 but it is. We are currently at
681 about 30,578 against that 48,000. If you add in both Deep Lake PUD and Trinity Retail,
682 that adds in another 12,000, which will bring us up to about 42,500. If we look to what
683 will happen with Bear Gully Forest, it's at least 50 or 50 homes. The second portion of
684 Centex is also not covered in the study. There is a disproportionate number of
685 accidents there already. He has also heard stories about the school buses that stop to
686 pick up the elementary school children. There really isn't any place for the school bus
687 to move over to. This community is highly concerned about the current traffic conditions
688 and it is only going to get worse.

689 Michelle Copeland addressed the board to say that she is a member of Bear Creek
690 Subdivision and is concerned about the educational impact. She is also concerned
691 about adding another traffic light. Adding a traffic light would impact the paramedics
692 being able to get to the scene of an accident or a 911 call in the neighborhood. She
693 wondered if there any plans to add more law enforcement to the area. She was
694 wondering if any consultations had been made with Bear Creek home owners
695 associations since the September 24th Board of County Commissioners meeting. She
696 didn't receive any notices regarding this meeting until the homeowners showed us that it
697 would be taking place.

Chairman Tucker called for a short recess at 11:28 p.m.

Chairman Tucker called the meeting to order at 11:33 p.m.

700 Mr. Ed Suchora addressed the Commission to respond to public comment. Regarding
701 the increase of units he had to retort by saying the original 65-unit plan was a ten acre
702 site. With the new plan, we were able to move the storm water facilities onto the
703 southern single-family site by creating a larger pond. We also added approximately 3½
704 acres by giving up the third commercial tract and adding additional units. It is certainly
705 not a doubling. In regards to price, the picture presented by Ms. Duffy was nothing that
706 was presented by Aloma Green. The \$100,000 units were the ones that came through

707 the last time; the 16-foot wide units with no garages. However, by adding additional
708 square footage, width and a garage to each of the units, the price has had to go up. We
709 would have to price these units at \$115,900 to be competitive with Centex. As far as
710 the disclaimer on the rendering, you could ask any builder in town and try and not find a
711 disclaimer. These are done for materials that can no longer be used, a plant that you
712 put on there because a home owner insist they get because they saw it on the
713 rendering. It is simply for the purpose of flexibility. Everyone is tired of change on this
714 project but he is here to say that this project is his first one to build here in Central
715 Florida; it was brought down from the Atlanta division. The flexibility of the disclaimer is
716 for the slight tweaks that he might have to do. In regards to the buffers at Royal Oaks,
717 he wasn't aware of any buffers that he did not provide to any adjacent homeowners nor
718 has he received any complaints from any adjacent homeowners saying that the buffers
719 were not installed. As for the school impact, his conversation with the school board told
720 us that there would be a minimal impact based on the type of product. They also stated
721 that they are building new schools and they would be redistricting to realign all the
722 students in question. As to the definition of quality, Beazer Homes has been doing
723 business here in Seminole County and in the nation and builds quality subdivisions and
724 in fact the division here in Orlando has one of the highest customer satisfactions in the
725 country. That does not come from a non-quality project. As for getting items in writing
726 from Beazer or other developers. We were able to work with the four home owners to
727 get the easement releases and he was even in Wendy Saliga's home last evening trying
728 to finalize some things that she wanted. He made offers to work through those and to
729 get them done for her and asked her to call him today to work through the final bit, but
730 to no avail. Wendy did not call. He has never formally been asked to put things in
731 writing by Wendy or any of the other members. Certainly the questions have been
732 posed, but he has never been asked to put it in a letter. Hasn't happened. As far as the
733 bait and switch, Beazer Homes is leading this charge. The plans here tonight is what I
734 plan to do; 133 town homes with recreational amenities; gated with full maintenance
735 landscaping. As for the commercial acreage, I think staff can support that the acreage
736 does balance. In regards to the extra police, emergency care and other services.
737 Every one of these home owners will be paying taxes and he as the builder will be
738 paying impact fees on every single one of these homes for everything from schools to
739 fire to help support it. The Bear Creek folks have stated that the developer essentially
740 ignored them and stated that we refused to meet with them. Again, that is completely
741 false. He has personally spoken with Ann Bryant several times on the phone requesting
742 a meeting and/or an opportunity to get her information on the project or anything she
743 would like. Basically she refused every time, so I was forced to get her to agree to
744 accept a package of all of the information of which I had submitted to Seminole County.
745 He sent it via courier to her place of business. We also wrote a letter and taped it to
746 every one of the doors in Bear Creek so they could have the information. His phone
747 records would show the number of attempts to work with them. As for density
748 addressed by Mr. Chapman, staff asked us to provide three different density
749 calculations on our plans. One was the gross density; one was the net density and the
750 third was the net density less the road right-of-ways. With these three calculations, the
751 gross density is 9.5 units to the acre. Centex's gross density is 11.02. The net density
752 of which is less any wetlands or unusable area is 10.99 units to the acre. The Centex

753 project is 11.02 units to the acre. Under the net density with right-of-ways removed, we
754 are at a density of 12.74. The Centex site is at 13.8 units to the acre. This is available
755 for the record if anyone would like. We would respectfully request approval on this
756 project.

Chairman Tucker closed the floor to public comments.

Commissioner Peltz asked Mr. Stelling why 65 homes were first presented?

759 Mr. Stelling stated that it was a conceptual plan because they didn't have a builder.
760 Staff said that we needed a thumbnail and we provided a thumbnail.

761 **Commissioner Harris stated that the implication was that the traffic light would go**
762 **away if the development goes away and that is simply not true. The traffic light**
763 **will be there because the Claytons got a legal agreement that there would be a**
764 **light there and it would be permitted when they developed their two parcels.**

765 **Chairman Tucker asked Mr. West to clarify the C-2 uses pertaining to adult**
766 **entertainment and the sale of alcoholic beverages.**

767 Mr. West explained that the sale of alcoholic beverages in C-2 would require a special
768 exception, which would require a public hearing before the Board of Adjustment. The
769 change to apartments would be a change in use, not a change in the design of the
770 building. The development order as written states town houses, so if the request is to
771 go to apartments or rental units, we would have to come back to this board and the
772 Board of County Commissioners. Architectural renderings could be addressed as part
773 of an exhibit of this development order or at the Final Master Plan.

Chairman Tucker asked the special restrictions for HIP.

775 Mr. West said that he wasn't aware of any that was specific to this property but HIP is
776 broken into three categories. There is an area around the Orlando-Sanford Airport that
777 is designated as HIP Airport, to discourage residential uses around the airport because
778 of noise issues. Then there is HIP-TI or HIP core, which is in the northwest part of
779 Seminole County around the Interstate 4, SR 46 and Heathrow area. HIP core allows
780 up to 50 du/ac and requires a minimum of 20 du/ac. And then we have with this
781 property the HIP Transitional, which has a maximum of 20 du/ac. There is also
782 consideration for architectural standards or stepping down building heights or buffers to
783 make it compatible as you get closer to the lower density development.

Chairman Tucker asked Mr. West how recent the traffic study was?

785 Mr. West stated that the applicant has deferred concurrency testing, so staff has not
786 reviewed a traffic study. They have elected to defer that to a future step. The applicant
787 has an option to submit their traffic study at certain points in the review process; at
788 preliminary zoning, which is where we are now, or at Final Master Plan. But before they
789 are issued development permits, they must submit a traffic study and address any
790 mitigation or requirements. He pointed out that 426 is a state road, and it is controlled
791 by the DOT and not the County. They also control where the curb cuts go. SR 426, at
792 its build out, has been designated to be Level of Service E, which is not a high level of
793 service standard. The Trinity Retail Center adjacent was a power center and the
794 townhouses approved at that site actually cut their trips in half.

795 **Chairman Tucker asked if FDOT takes into consideration emergency response**
796 **times and things of that nature?**

797 Mr. West replied that they do and in the development review process, there are
798 members of the Public Safety Department and a representative of the Sheriff's
799 Department. Even at the plan for 180 dwelling units, he had no objections. There is a
800 school impact fee which is there to offset the impacts of those dwelling units. Mr. John
801 Laroy of the School Board is also represented in the review process. As part of Senate
802 Bill 1906 that was adopted and effective May 31st of this year, the school board can
803 appoint a member to the LPA to deal with density and intensity. We are still waiting to
804 hear from the School Board.

805 **Commissioner Hattaway asked Mr. West if this project had met all the**
806 **concurrency requirements?**

807 Mr. West explained that they had *deferred* testing for concurrency until a further step.
808 His understanding is that they submitted an application for deferral.

809 **Commissioner Bates thought he heard the gentleman from Beazer said that they**
810 **had done a traffic study.**

Mr. West stated that he may stand corrected.

812 **Commissioner Harris stated that despite all of the multiple times this board had**
813 **gone through this preliminary plan, there are still three or four facts that continue**
814 **to be central to this issue. First of all, the current request meets the standard of**
815 **the HIP district. It not only meets the standard, but it meets the same criteria as**
816 **the Trinity Retail which is adjacent. The precedent is there for the density that is**
817 **requested here. With respect to traffic, the light will be there whether or not this**
818 **parcel is developed. If they have already submitted and it meets concurrency,**
819 **then it's still not an issue.**

820 Mr. West addressed the Commission to say that the applicant did submit concurrency
821 in September and we can have someone check the report if the board wishes.

822 **Commissioner Harris stated the applicant wouldn't have submitted it if it didn't**
823 **meet concurrency. The issue goes back to the point that he made previously.**
824 **We have a parcel in the HIP district right next to the Greenway, with a traffic light**
825 **at its entrance. It has been proven that the development meets all of the criteria**
826 **that it should meet and is at the same standard as the development that has**
827 **already been approved. If we can't put a high intensity town home development**
828 **in a position where it is a HIP district, how can we say that we do good planning?**
829 **Intensity and density needs to go where we planned for it and this particular**
830 **place is planned for this development. Having said that he offered the following**
831 **motion: Recommend approval of the requested major revision to the PUD**
832 **preliminary master plan for this site.**

Commissioner Hattaway seconded the motion.

Vote passed 4-1 with Chairman Tucker voting nay.

The meeting was adjourned at 12:20 A.M.