

**Minutes for the
Seminole County LPA/P&Z Commission
April 2, 2003**

Members present: Chris Dorworth, Ben Tucker, Dick Harris, and Dudley Bates.

Members absent: Beth Hattaway and Thomas Mahoney.

Also present: Matt West, Planning Manager, Kent Cichon, Finance Manager, Tony Walter, Principal Coordinator, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

I. Call to Order

The meeting was called to order by the Chairman at 7:00 P.M.

II. Roll Call

A quorum was established.

Commissioner Tucker then explained the voting procedure and method in which the meeting was to be conducted.

III. Acceptance of Proof of Publication

Commissioner Harris made a motion to accept the proof of publication.

Commissioner Bates seconded the motion.

The motion passed 4 – 0.

IV. Approval of Minutes

Commissioner Dorworth made a motion to accept the minutes as presented.

Commissioner Harris seconded the motion.

The minutes were approved 4 – 0.

V. Old Business

VI. New Business

A. WILSHIRE TOWNHOMES / Daly Design Group; Thomas Daly, applicant; 12.79 acres. Small Scale Land Use Amendment from Commercial to High Density Residential for a portion of the property; and Rezone from C-2 (Commercial) & R-3 (Multiple Family Dwelling) to PUD (Planned Unit Development); south side of Wilshire Boulevard, approximately ¼ mile west of Semoran Boulevard. (Z2003-005)

Commissioner Henley - BCC District 4

Jeffrey Hopper, Senior Planner

Matt West introduced the rezone and small scale land use amendment stating that the property is currently zoned C-2 and R-3. The applicant is requesting a rezone to PUD. Mr. West stated that the property across the road is a townhouse project, also a PUD. The 12.79 acres have a split land use: commercial and HDR.

Mr. West stated that staff has evaluated the project. This is an opportunity to promote fee simple home ownership which the Board of County Commissioners would like to promote in Seminole County. Staff recommends approval, with 19 conditions. Conditions 6 and 7 come from a similar project, East Lake Brantley Town homes project.

Highlights of the project conditions include: 25 % open space, an accommodation for an internal pedestrian circulation system, building height restriction to 35 feet, and the condition that the principal access will be aligned with the Coachlight Townhomes entrance.

Mr. West stated that no comments had been received from the City of Casselberry.

Mr. Thomas Daly of Daly Design Group spoke next. Mr. Daly described the site as a good infill project. There is a water treatment plant next to the proposed site at the end of Wilshire Boulevard. The R-3 zoning could have 160 apartments or it could be used for storage, which would be a detriment to the neighborhood. There is a County well at the front of the site. This proposed project will provide buffers.

Mr. Daly is proposing 130 units, which are attached, single family units. Mr. Daly said that he had sent 19 homeowners on the property line to the south, and those across Wilshire Boulevard a package with his presentation so that they would be familiar with the plans.

Mr. Daly presented a picture of an aluminum fence and stated that a 6 foot brick wall would cost approximately \$1,300.00 per town house. He stated that this project is low intensity in nature and that he would like to have a wooden fence in lieu of a brick wall. Also, concerning condition # 15 in the staff report, Mr. Daly said that the project will have pedestrian access to Kewanee Trail.

Commissioner Tucker asked if there will be sidewalks on Wilshire Boulevard or a gate.

Mr. Daly said there would be no sidewalks on Wilshire Boulevard and no gate for the project.

Commissioner Tucker asked about the pond.

Mr. Daly said that the pond will be an amenity in the project.

Commissioner Tucker asked if the treatment plant stores any chlorine on site.

No one knew the answer to the question, but Matt West stated that there were stringent storage standards that are followed in such instances.

When asked by Commissioner Tucker about recreational facilities and a dog park, Mr. Daly said that there would be a pool, cabana, playground and trails with seating around the pond. There was no dog park planned.

Jack Edwards of 732 Coachlight Drive stated that one entrance for 130 homes exists now. Putting the entrance to this project directly opposite the Coachlight entry would cause traffic backup in the area. He was also concerned with the preservation of large trees in the area.

Anthony Kominski of 2044 Collier Drive, was concerned because two of the interior roads on the proposed development align with his backyard. He was interested in light and noise problems coming from this situation. He wanted to see an interior road, rather than perimeter roads. He also objected to the buildings having 2 stories. Mr. Kominski found a wood fence unacceptable, and he was also concerned with buffering. He wanted assurances that the pond would be properly aerated.

Beverly Bragg of 2031 Sepler Court owns the property located on the southwest corner of the proposed project. She is concerned about the traffic congestion that will come from the project. She suggested that the developer look at the Park Maitland Villas which are one story tall and have double car garages. Lake of the Woods is also a single story project. She wanted larger buffers and a more upscale approach to the project.

Barbara Raney stated that she has lived in Indian Hills for 27 years. She is happy with the single home ownership approach. She was concerned with the possible installation of a wooden fence which would be neglected.

Mary Jones of 2041 Sepler Drive said that 2 story homes would be intrusive to her property. The proposed site of the pool would be approximately 25 yards from her property line. It will serve approximately 300 people and will create a lot of noise. There is also a transformer on the southwest corner, interior, of the project site.

Lillian Wilson of 2045 Settler was also concerned with the noise from the potential pool. There was no need to plant trees. There are trees on the site which are filled with birds.

Sandy Mobley of 2248 Winslow Circle wanted a brick and block wall. She stated that trees and shrubs should be kept in the buffers.

Diane Raley of 2240 Winslow Circle stated that the project should have a wall like the shopping center has. She was concerned about vandalism and opposed a wooden fence. She suggested that the wall could be attached to the existing wall from the shopping mall.

Dave Warnick lives in Coachlight, across the road from the proposed site, and is opposed to the entry way being aligned with the entrance to his neighborhood. He did not want to see balconies overlooking the yards on his side of the road either. He wanted to know about buffers on the west property line, by the water treatment plant. He also thought that there was not enough parking allotted for the homes. Mr. Warnick suggested that the number of units be reduced and the garages be increased in number. He also suggested first floor bedrooms.

Bill Nightingale of 2268 Winslow Circle wanted to know about the presence and location of dumpsters and how this would impact schools in the area.

Donna Robinson of 2264 Winslow Circle has a home on the east side of the proposed site and would like a brick wall there.

Dominic Picare of 656 Fellowship Drive said that he has 50 townhomes in his community. He said that if this was not approved, what would happen here? His single story units sell well, with two-car garages.

Peter Applethwaite of 2025 Kewanee Trail said that privacy was an issue for him with the two story buildings being proposed.

Bruce DeWeimer of 800 Coachlight Drive, Fern Park, said that he was very concerned about the 2 story buildings and that he does not want a driveway coming out opposite his entrance driveway.

Thomas Daly said in rebuttal that a key issue was the single entrance. Emergency access can be provided from Kewanee Trail. The presence of the well and the setback criteria dictated the placement of the entrance on the site. The pool has to have some restrooms in the cabana area. As for marketing, he did not do a marketing study, but he does not think a more expensive development is appropriate in this area. There will be no garbage dumpsters, but curbside pickup. He will try to save trees in the buffer. This is in the preliminary master plan stage. As for school impact, this project will be for empty nesters and first home buyers. The shopping center walls are rustic compared to today's rigid buffering requirements for the project.

Commissioner Tucker asked about the price and the time until completion.

Mr. Daly said that the units would be starting about \$110,000.00 dollars and should be completed in 18 months

Commissioner Harris asked about the power line overhead.

Mr. Daly said that the power would be overhead and a sewer line underground exists with no easement.

Commissioner Dorworth said that there were two construction access possibilities that he could see.

Mr. Daly said that the access could be from Kewanee or Wilshire Boulevard.

Commissioner Harris read into the record the comments of Dianne Kramer. He stated that the conclusion on the schools was that it was low impact.

Matt West addressed the impacts of development on this site. R-3 zoning allows for apartment buildings that could be 35 feet tall. Also, R-1BB is allowed in R-3, with 50 foot lot width and 20 foot rear setbacks. Two story buildings are allowed, with no restriction on the windows. This is a heavily treed site. The Code says that 25 percent of the trees must be preserved. This will be done at the engineering phase. Power line issues are addressed at the final master plan phase. With 130 homes, 72 trips per peak hour is anticipated. Since Wilshire is a dead end street, this is not a problem. If the roads are put to the inside of the project, the buildings are moved back closer to the lot line. Town homes generate an anticipated 6 to 7 trips per day. This is less than single family residential. The pond will be kept up by the home owners' association. The alignment of the southwest building will be considered later in the process as well. As for the water plant, this site is not required to have buffering from the water plant. There is a sidewalk from Wilshire to the corner of the property. There should be a sidewalk from the entrance of the site to the entrance of Wilshire Shopping Center. This would be reflected in the development order item number 15. Mr. West stated that a block wall would be better with this site.

Commissioner Harris stated that this project represents a tradeoff. When the adjacent property owners bought their land, this property was empty. A developer could put in apartments there now. This proposal is far from apartments. It is in favor of the neighborhood. The amenities to be provided are good.

Commissioner Harris stated that the debate is over two issues: privacy and the fence. A brick wall is a barrier. It does not act any better than a wooden fence. The applicant is willing to provide a wooden fence with heavy landscaping to provide a visual barrier from homes.

Commissioner Harris made a motion to recommend approval with the stipulation of no balconies, including the staff report recommendations #8: 6 foot wood fence, board on board with heavy landscaping, # 15 there is no

need to tie in with Wilshire sidewalk, and #17: motion sensor security lights are to be allowed.

Commissioner Bates seconded the motion.

In discussion, Commissioner Tucker stated that he agrees with condition #8. He would like a masonry wall on the south side.

Commissioner Dorworth said he was comfortable with Mr. Daly's proposal, but he questioned the 2 story homes overlooking the neighbors. He also questioned the Lot Compatibility Analysis. He asked if the Commission could require certain buffering.

Mr. West said that staff was concerned with future maintenance of the wall.

The vote was 4 – 0 in favor of the motion. The project was approved with the conditions stated in the motion.

B. The Tradition at Alafaya; Kenneth W. Wright, Esq./Shutts & Bowen, LLP, applicant; approximately 16.563 acres; rezone from C-2 (Commercial) to PUD (Planned Unit Development). Located on the west side of Alafaya Trail, south of West Carrigan Avenue, north side of Econ River Place. (Z2003-006)

Commissioner Maloy – BCC District 1

Matthew West, Planning Manager

Matt West gave some background on the site of the application. He stated that the size of the site of this request was smaller than previous applications which had been denied by the BCC and the BCC's decision was quashed by the appellate courts. Now the property owner is back with a Hess station in the upper corner of the site and a retention pond in the southern corner of the site. This application is asking for apartments with one commercial out parcel. The land use is commercial. The western portion is apartments. The tract had been 22.3 acres in the year 2000; now it is 16.5 acres; now it is 2 parcels. The north buffer adjacent to Remington is now 50 feet, where it had previously been proposed as 75 feet. Building height will be 35 feet with a 10% deviation for architectural features. The Land Development Code has changed, stating that the adjacent residential use provides the buffer, not the commercial use.

Staff recommendation is for approval of rezoning from C-2 to PUD subject to the conditions delineated in the staff report.

Mr. West stated that he had received an e-mail expressing concern for the level of traffic that this site would generate. Mr. West said that he had studied the site and estimated that a 180,000 square foot shopping center could go here and the small parcel could be a Walgreen's. This would be 7,500 trips per day. The 272 apartments proposed will generate 3,100 trips per day. This property has been designated as commercial since the 1960's. Staff considers that from a traffic point of view, apartments are better.

Commissioner Harris read Dianne Kramer's comments into the record:

Item VI B --- while understanding and acknowledging the history of this proposal, the change does have a significant impact on the school system. The conditions placed upon the approval discourage university student housing, but encourage public school students. The 272 units would generate approximately 31 elementary students, 14 middle school students, and 16 high school students. The site is served by Evans Elementary, Chiles Middle School, and Oviedo High School. Chiles is the only school that currently has capacity for more students. Evans has 10 portables on campus and Oviedo has 12. Two new elementary schools will open in 2004 and provide additional capacity in the area. A new high school will open in 2005. The current enrollments are as follows:

Evans:	1021
Chiles	1160
Oviedo	2997

Dianne L. Kramer, Deputy Supt./Operations
Seminole County Public Schools

Ken Wright of Shutts & Bowen spoke next, stating that Steve Walsh was also present. Mr. Walsh is an experienced real estate developer who is planning an upscale project, not to be construed as student housing. Judge Deborah Nelson in her decision said that there was not substantial evidence to deny the request. For subsequent denial, competent evidence must be found. Previously, there had been a request for 352 apartments, now there are to be 268 apartments. This request meets the compatibility analysis in table 2.1 of the County Comprehensive Plan. By virtue of the application of this table, this request is compatible.

Mr. Wright noted an area of concern: placement of the wall versus the 6 foot wooden fence on the north side of the property. The applicant proposes a 50-foot buffer in lieu of the 120-foot setback on the plan submitted. The code requires a 100-foot setback. This is not a site plan. We will work on the site plan with staff later to meet requirements. In the pre-application meeting we got suggestions and went to DRC. No 150-foot buffer was mentioned at DRC. We are asking for the LDC requirements. On the north side Mr. Wright stated that the best choice was for no wall or fence at all. A wall will be damaging to the land. Houses to the north have wooden fences. This issue can be addressed at the site plan review. The applicant would rather have landscaping than a wall. Remington Village was down zoned from commercial to MDR. No buffer was required at that time. In closing, Mr. Wright noted that the 35 foot height restriction with the 10% deviation allows for deviation in roof line design.

Patrick Precord of 2801 Joseph Circle, Oviedo, has the lot in the lower left corner of the FLU map in the yellow subdivision, adjacent to the site of the request. Mr. Precord said that this could become student housing. Three stories tall is a

concern to him. He also pointed out that the industrial lot to the west has a block wall and it saved the vegetation and trees while putting in the wall. He would prefer a commercial use on the property. Use by college people could bring in 4 – 5 cars per unit.

Cynthia Gundy of 2897 Joseph Circle, Oviedo, is President of the Remington Homeowners' Association. She also lives in the yellow subdivision reflected on the FLU map for the project. She is not opposed to development of the area. This was not proposed as student housing before; there had been limitations. Her concern is for the main entrance being on W. Carrigan. The back entrance on Little Econ River Place would lead to cut throughs to W. Carrigan. This will not be gated as the previous version years ago was to be. The plan shows barely more than one parking space per unit. Her main concern is the impact to traffic in the area.

Ken Lauver of 194 Sawyerwood Place, Oviedo, stated that he was concerned with traffic patterns and that he wanted leases for 12 months or higher.

Robert Reese of 952 Moss Lane, Winter Park, is the owner of the Grand Villa at Riverplace. He stated that he worked with the neighbors prior to taking his proposal to the BCC. He stated that his project is gated and that the lease holders have no co-signers.

Bert Locke, Jr. of 3044 Salisbury Cove, Oviedo stated that commercial zoning is the highest and best use for this site. It is a good buffer. He asked that the C-2 buffer be preserved, making a good transition.

Mr. Wright stated that he rarely makes a legal argument at this level, however, he had to point out that there is no basis to deny the requested zoning. Once the request is shown to be compatible, it falls back on the County. Judge Nelson cited that lay testimony on traffic and noise is not credible. Conditions must be based upon competent evidence.

The wall is to protect. Should there be the same conditions as Mr. Reese asked for, they would be unconstitutional. This is not student housing. A person should be allowed to have co-signers or a 6 month lease. The staff supports the request. We will put something up for the active/passive buffer requirements.

Commissioner Harris asked about the multiple uses on Lot 2.

Mr. West stated that they could be commercial or multi-family.

Ken Wright stated that his client wants to develop a multi-family site. They will work on the buffers.

The public hearing was now closed.

Commissioner Harris stated that the argument previously made in the Wilshire Townhomes discussion holds here. If you are in a 2 story building a 6 foot wall is not a barrier. Heavy vegetation is the best visual barrier.

Commissioner Harris made a motion to approve the rezoning with staff recommendations: #3 shall be a minimum 50 foot width buffer with heavy landscaping and trees. #11 shall be eliminated.

Commissioner Dorworth seconded the motion.

Commissioner Tucker stated that he was opposed. He found it incompatible with the sewer plant. It should be developed as commercial.

The vote was 3 – 1 to pass the motion. Commissioner Tucker voted “ no. “

C. Seminole County: Ordinance Amending Billboard Regulations relative to cut-outs and provisions for agreements permitting reconstruction or relocation of billboards.

Countywide

Matthew West, Planning Manager

Matt West introduced the ordinance by stating that the Board of County Commissioners had capped the number of billboards in the county in May of 2001. This ordinance is an amendment which allows property owners and billboard companies to make agreements with the BCC.

The second part allows for cut outs. This ordinance limits to 10 percent additional area for cut outs.

An e-mail from Lou Musica recommends changes. Between now and April 8 we will consider this.

One concern is trivision billboards. The billboard is not any bigger.

Commissioner Tucker commented that there are limits on frequency of changes on trivision signs.

Matt West stated that advertisers want slower changes on the signs.

Commissioner Tucker stated that the argument was weak.

Commissioner Harris said that he agreed. The face and height are the only parts to be considered.

Matt West asked about trivision signs. Are portions severable on page 6, subsection B?

Commissioner Tucker added that there is also a private property issue.

Mr. West stated that everyone, the BCC, the property owner, and the sign company must enter into an agreement on each sign.

Commissioner Tucker asked if a billboard company pulls out of the agreement, could the property owner put up a new billboard?

Karen Consalo stated that the County Attorney's office had looked into that issue and it is determined that the County could never take away a property owner's rights. The idea is to make trade offs. Everyone needs to agree.

Mr. West referred to page 7, Section D which allows variance from separation requirements.

Lou Musica of Clear Channel outdoors thanked Matt West, Don Fisher and Commissioner Randy Morris for their work on this issue. Mr. Musica stated that he would like to propose changes:

The 4 to 1 benchmark ratio is a goal, not a requirement. Commissioner Morris has stated that each case will be dealt with on a case by case basis.

Mr. Musica recommended a maximum of 20 percent for cut outs. The ordinance does not allow bottom outs. A cut out may extend up to 2 feet below. The formula for cut outs, at 10 percent, is limiting. 20 % is not out of line with other counties.

Seminole County has 108 billboards. 49 of them are Clear Channel billboards. The 14 feet by 48 feet size is the industry standard. Cut outs are scaled to the 14 foot by 48 foot size. In Seminole County there are limitations. Some boards are 10 feet by 36 feet, limited to access roads and I-4.

Cut outs are attached at the top. In Seminole County the cut outs would not be allowed. The advertiser would not be able to move a standardized sign. A 10 percent difference is not discernable.

As for trivision signs, the intensity issue was raised before. Signs cannot be changing more than every 6 seconds. The trivision ad rate is lower. One third of the traffic count is attributed to calculate billing rate. Trivisions do not use cut outs typically.

Mr. Musica recommended approval with the suggestions he had made.

Commissioner Harris stated that cut outs made billboards more user friendly.

Mr. Musica stated that top outs make more of an impression of the viewer.

Mr. West stated that trivision changes number 4 of Section 30.1253. This wants to make trivision signs count as one face. We shall work on this, Mr. West stated.

Commissioner Tucker asked about the issue of 10 versus 20 percent for cut outs.

Mr. West stated that Don Fisher was trying to limit the amount for this.

The public hearing was now closed.

Commissioner Harris stated that there is an economic basis to help standardize signs. The intention of the ordinance is to replace non-conforming signs.

Commissioner Harris made a motion to approve the ordinance with the changes recommended by Mr. Musica, except for trivision signs.

Commissioner Bates seconded the motion.

Commissioner Dorworth requested to amend the motion.

Commissioner Harris declined.

The vote was 4 – 0 to approve the motion.

Manager's Report

Mr. West stated that 4 or 5 large scale amendments will be coming in July.

Commissioner Tucker said that people like to take vacations in July.

Mr. West said that this could be discussed at the next meeting. The meeting for July is on July 2nd.

There being no further business, the meeting was adjourned at 10:40 P.M.

Respectfully submitted
Candace Lindlaw-Hudson