

**MINUTES FOR THE SEMINOLE COUNTY LPA/P&Z COMMISSION
WEDNESDAY, JULY 9, 2003
6:00 P.M.**

Members present: Ben Tucker, Beth Hattaway, Chris Dorworth, Alan Peltz

Members absent: Dick Harris, Dudley Bates

School Board Representative Present: Dianne Kramer

Also present: Matt West, Planning Manager, Earnest McDonald, Principal Coordinator, J.V. Torregrosa, Planner, Jeff Hopper, Senior Planner, Tony Matthews, Principal Coordinator, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

The meeting was called to order by the Chairman at 6:00 P.M. The meeting had been rescheduled because of the 4th of July holiday. A quorum was established.

Commissioner Peltz was absent for items A to G.

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

Commissioner Dorworth seconded the motion.

The motion passed by unanimous vote. (4 – 0).

Matt West, Planning Manager, introduced a request from the applicant to continue item G on the agenda to the August 6, 2003 meeting:

F. Rockwell; John F. Rinehart / Glatting, Jackson, et al, applicant; 51.4 Acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development); and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on Long Pond Road 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (03F.FLU02 and Z2003-016).
Commissioner McLain - District 5
Jeff Hopper, Senior Planner

Commissioner Mahoney made a motion to continue item G, Rockwell, to the August 6, 2003 meeting.

Commissioner Dorworth seconded the motion.

The motion passed with unanimous consent. (4 – 0).

Old Business

A. W. Lake Brantley Road SSFLU Amendment & Rezone; J. David Free, applicant; 0.70 acre; Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and Rezone from R-1A (Single-Family Dwelling District) to RP (Residential Professional District);

located on the southeast corner of West Lake Brantley Road and Magnolia Road, approximately 300 feet north of SR- 436. (04-03SS.05 / Z2003-015)

Commissioner Van Der Weide - District 3

Earnest McDonald, Principal Coordinator

Mr. McDonald summarized his staff report. He explained that one access drive would be provided for the 2 offices. He recommended approval with the setbacks, buffers and conditions outlined in the staff report.

David Free, applicant, stated that he would like to have a wood privacy fence in lieu of a concrete masonry wall. No other concrete walls exist in the area.

No one spoke from the floor about the application.

Commissioner Mahoney asked about wall substitution.

Mr. McDonald stated that the Code requires a masonry wall.

Commissioner Mahoney made a motion to recommend approval as put forth in the staff report.

Commissioner Dorworth seconded the motion.

The public hearing was now closed.

Commissioner Tucker asked about the trend of development in the area.

Mr. McDonald stated that this use was compatible with the trends of development in the area.

Commissioner Tucker stated that the wall to the east and north should be as Mr. McDonald recommended in the staff report.

The motion passed by unanimous approval. (4 – 0).

TECHNICAL REVIEW ITEMS

B. Springs PUD Minor Amendment; Maryse Lobeau, applicant; minor amendment to the Springs PUD (Planned Unit Development District) to allow the encroachment of a ground sign into the required 50 FT buffer along Markham Woods Road; located on the northwest corner of the Markham Woods Road and State Road 434 intersection.

Commissioner Van Der Weide – District 3

Earnest McDonald, Principal Coordinator

Mr. McDonald explained the history of the previous intrusions into the buffer of the Springs PUD. This requested sign would also intrude into the buffer, but was well separated from other signs. Staff recommends approval as it is consistent with the trend of commercial signage in the area.

Commissioner Tucker stated that this issue was not a public hearing.

Commissioner Hattaway made a motion to recommend approval as stated in the staff report.

Commissioner Mahoney seconded the motion.

The motion passed by unanimous consent.

**C. Hampton Estates (PSP); Florida Engineering Group, applicant; approximately 3.12 acres; Preliminary Subdivision Plan approval for 26 Lot, Single Family Residential;, zoned R-1AA; Old Lockwood Road (03-05500019)
Commissioner Maloy – District 1
Cynthia Sweet, Planner**

Cynthia Sweet introduced the preliminary subdivision plan for 26 single family lot. She stated that the only condition is the 2,100 square foot minimum house size. Staff recommendation was for approval.

There were no questions from the Board.

Commissioner Mahoney made a motion to recommend approval of the request as stipulated in the staff report, with the 2,100 square foot minimum house size to be included.

Commissioner Dorworth seconded the motion.

The motion passed with unanimous approval (4 – 0).

NEW BUSINESS (PUBLIC HEARINGS)

**D. Trails Map Amendment; Amending the Greenways and Trails Master Plan of the Seminole County Comprehensive Plan.
Countywide
Cindy Matheny, Senior Planner**

Cindy Matheny stated that staff recommendation was for approval of the text amendment.

Commissioner Tucker stated that the Natural Lands Committee, of which he is a member, has just recommended purchase of lands in conjunction with the presence of the trail in the eastern corridor of the County. He would not like the long eastern segment omitted.

Mr. West said that he will look into this matter and coordinate with Craig Shadrix.

Commissioner Mahoney made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous consent. (4 – 0).

E. SB 1906 Ordinance; Ordinance to bring the terms of the Land Development Code of Seminole County and the Seminole County Code into compliance with Chapter 2002-296, Laws of Florida.

Countywide – All BCC Districts

Tony Matthews, Principal Planner

This item was moved to the end of the agenda.

Following the last agenda item, this item was introduced by Mr. Matthews.

There were no questions from the audience or the Commissioners.

Commissioner Mahoney made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed by a vote of 5 – 0.

Mr. West stated that there had been a problem with the public notice for four items scheduled to be heard on the July 16, 2003 special meeting. The Orlando Sentinel had failed to advertise our submissions. One of the applicants has stated that it would be a hardship for him to wait until the August meeting.

Commissioner Mahoney stated that he would prefer to cancel the meeting scheduled for the 16th and have a meeting on July 23rd instead.

Commissioner Mahoney made a motion to cancel the special meeting originally scheduled for July 16, 2003 and move it the July 23, 2003 at 6:00 P.M.

Commissioner Dorworth seconded the motion.

The motion passed with unanimous approval. (4-0).

**F. Parker Rezone; George Parker, applicant; approximately .670 acres; rezone from A-1 (Agriculture) to R-1AAAA (Single Family Dwelling District); located on the west side of Hyde Park Drive on the cul-de-sac of Ash Park Loop, Winter Park.(Z2003-008)
Commissioner Maloy – District 1
J.V. Torregrosa, Planner**

Mr. Torregrosa presented the request and location of the rezone and stated that the property must be rezoned in order to allow building.

Commissioner Mahoney made a motion to recommend approval of the request with R-1AAAA zoning.

Commissioner Hattaway seconded the motion.

The motion passed with unanimous consent (4 – 0).

**G. Rockwell; John F. Rinehart / Glatting, Jackson, et al, applicant; 51.4 Acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development); and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on Long Pond Road 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (03F.FLU02 and Z2003-016).
Commissioner McLain - District 5
Jeff Hopper, Senior Planner**

This item was continued to the August 6 meeting by a vote held at the opening of the meeting.

Commissioner Peltz entered the meeting at this time.

**H. Citrus Road Rezone And Land Use Amendment; Glatting Jackson/John Percy, applicant; approximately 36 acres; Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential); and Rezone from A-1 (Agriculture) to R-1A (Single Family Residential); east side of Citrus Road, ½ mile north of Red Bug Lake Road. (Z2003-009) (03F.FLU01)
Commissioner Morris – District 2
Jeff Hopper, Senior Planner**

Mr. Hopper stated that the staff recommendation was for approval with R-1AAA zoning on the northern tier of lots.

Dianne Kramer stated that this project will have a minimum impact on schools.

John Percy stated that there is a trail on the north side of the property.

M. Pevlakni stated that there are larger lots to the north. There is a serious water problem here. There is also a school crowding problem. There is a need for one acre lots.

Carol Medico said that she wanted a 50 foot buffer of trees. She also would like a 6 foot masonry wall.

Tracy Peffler stated that this area will be filled with children. The schools will be impacted. There is also major flooding here. She is concerned with wildlife and would like 2 homes per acre.

Adrian Starichuvich was opposed to further development in the area.

Commissioner Mahoney made a motion to recommend approval as per the staff report.

Commissioner Hattaway seconded the motion.

Commissioner Mahoney stated that the trend of development is to exceed minimum criteria for development. R-1A is compatible.

Matt West stated that this will probably be 2 to 2.5 units per acre, including the roads.

Commissioner Tucker questioned the minimum house size.

The applicant stated that the homes would exceed minimum for the zoning. He is planning to do the building in the future, not now.

Commissioner Tucker said that 1,600 square feet is too small. 2,000 square feet is better.

Commissioner Mahoney said that these homes will be 2,100 to 3,00 square feet in size due to the area.

Commissioner Mahoney restated his motion recommending transmittal from SE to LDR and rezone from R-1a and the northern tier to R-1AAA, with 1,600 square feet minimum house size.

Commissioner Dorworth seconded the motion.

The motion passed by a vote of 4 – 1. Commissioner Tucker was opposed.

I. Mikler/Red Bug PCD; CPH Engineers, Inc., Javier E. Omana, applicant; approximately 55.6 acres; Large Scale Land Use Amendment from LDR (Low Density Residential) and PD (Planned Development) to PD (Planned Development) and rezoning from A-1 (Agriculture) and PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District); located immediately south of the intersection of Red Bug Lake Road and Slavia Road, east side of Mikler Road and approximately 0.3 mile west of the Central Florida GreeneWay (Z2002-010 / 02F.FLU01)

Commissioner Maloy - District 1
Tony Matthews, Principal Planner

Mr. Matthews stated that the applicant proposes to develop a 290,000 square foot retail commercial center which will include a 230,000 square foot Wal-Mart Supercenter and 60,000 square feet of additional retail commercial uses on approximately 55.3 acres. The site will incorporate four (4) commercial properties currently designated as Planned Development and zoned PCD (Planned Commercial Development District) and a 2.4 acre park. Mr. Matthews stated that the staff recommendation was for recommendation denial of the proposed large scale plan amendment from LDR (Low Density Residential) and PD (Planned Development) to PD (Planned Development) and associated rezoning from A-1 (Agriculture) and PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District).

Mr. Matthews stated that the recommendation for denial was based findings that:

1. The community/regional scale of development, as proposed, would not represent an appropriate transitional use adjacent to Low Density Residential future land use;
2. The proposed use is incompatible with recent development trends toward single family residential uses south of the site;
3. Development intensity is not limited and designed to serve the needs of the immediate neighborhoods but more of a regional nature;
4. Development is not located where commercial uses are the predominant existing use along the roadway in both directions from the site and, therefore, the proposed commercial development does not represent infill development;
5. Development is located adjacent to residential areas where compatibility with the residential area cannot be maintained in order to preserve neighborhood viability and community character; and

6. The proposed use is inconsistent with Plan policies identified at this time.

Mr. Matthews stated that Comprehensive Policy FLU 2.4 provides that commercial uses shall be located at the intersection of arterial and collector roadway intersections and not set a precedent for further strip development. Although this site is located at an arterial (Red Bug Lake Road) and collector (Slavia Road) intersection, staff believes that due to the intensity and magnitude of the proposed Wal-Mart development, this use would be better suited at the intersection of arterial roadways where commercial and retail uses are the dominant use in both directions along roadways.

Regarding strip commercial development, the Seminole County Comprehensive Plan (Vision 2020 Plan) characterizes strip commercial as relatively small and narrow parcels; frequent curb cuts and lack of coordinated access; and lack of coordinated parking between commercial uses. Based on this definition, the applicant's request, as proposed, would not represent strip commercial development.

Mr. Matthews stated that previous Board decisions have allowed for limited retail commercial development (i.e., the C.A. Stone PCD) along Red Bug Lake Road, west of the Oviedo Marketplace PUD. The applicant's request, as proposed, would provide for unlimited large scale development at this location. Staff believes that commercial development at this scale would eliminate future requests for smaller, strip commercial development.

In addition, Mr. Matthews stated that staff also believes that the proposed use could be a compatible transitional use with adjacent development, with the application of more stringent development conditions that address landscaping, buffers, setbacks, building design, furnishings, amenities, etc., superior to those currently proposed by the applicant.

Mr. Matthews stated that this item is scheduled for August 16, 2003 at 7:00 P.M. for the BCC.

Hal Kantor, P.A., stated that comprehensive plans have policies and objectives that can be used for acceptance and denial. Determination of compatibility is considered on a case by case basis.

Peter Such of CPH Engineers stated that they have made the project consistent with the area in terms of site design, traffic patterns and compatibility with surrounding uses.

Mr. Such stated that a traffic analysis had been submitted with 3 density patterns examined, projecting through the year 2020. The project will meet concurrency requirements when it opens.

He stated that in July of 2002 there was a proposal for 474 multi-family units here, but it was too intense. It was recommended for denial by the LPAP/P&Z and pulled from the BCC.

On October 18, 2002 the project was resubmitted with 52 single family units included rather than the multi-family uses. A gas station was moved to the corner near Summer Club Apartments. The geotechnical survey of the site reflects unsuitable materials on the site. The plan was then pulled.

The new plan has changed. A pond has been designed: 17 acres of lake. The Stone PCD has been kept. The park was moved to the SW corner of the site plan to provide for recreational use.

Mr. Such said that this will be a regional shopping center. The market is the same as that of the Target store in the area. Mr. Such stated that Wal-Mart is opening several stores in the area, and the market area for this one is the surrounding community, a local draw.

Mr. Such stated that on the west is the Stone PCD with office or bank uses and a restaurant. Apartments abut the property. He stated that the store has been angled to align its parking lot with the apartment complex's parking lot. He is providing 50 foot buffering (100 feet total with the drainage included). He will have a 3 to 5 foot berm. A 6 foot masonry wall will be on top of the berm. 3 inch canopy trees will be placed at 25 foot intervals, making a 9 to 11 foot buffer in all. He stated that he has incorporated elements of site design and buffering. The Park will have a restroom kiosk and room for 2.5 acres of fields. The lake also serves as a buffer. The buffer along Mikler Road and Red Bug Road. There will be 25 foot buffers on out lots. We will finish the site with a 13 to 15 foot grade change from Red Bug Lake Road. Architectural design will not be the typical blue and gray building. The objective is to fit in to the area. The park may be a park with a tot lot and rest room kiosk. Sidewalks will be along Mikler Road. They will put a signal on Mikler Road and provide intersection improvements. There will also be landscaping and buffering at the entrance.

Alfred Lockyer stated that he always shops at Wal-Mart, and this will be a convenience.

Kim Metrick stated that there was a lack of options for shopping in the area. The concessions made on this center are great.

George Grizzard pointed out the danger of the apex of the curve of Red Bug Lake Road. Traffic cannot see the light. He asked for special consideration of the traffic report.

Lisa Dvore stated that crime is clustered around Wal-Mart. She questioned why this is not a DRI. She stated that the Avalon neighborhood is vehemently opposed to the Waterford Lakes Wal-Mart.

Mervyn Warner represented the Tuskawilla Home Owners Association. He stated that Oviedo had voted out Walmart at the 426 and Red Bug Road location. On August 6, 2002 he had written to the BCC. He said that the corridor along Red Bug Lake Road is a predominantly residential. Seminole County has the obligation to keep things there from getting worse. This will add another light. There is another Wal-Mart nearby.

Rich Gibson stated the Oviedo is a jewel of a community and he is opposed.

Shirley Rubens said that traffic is very bad and she cannot get in or out of Tuska Ridge now. She also is concerned for the gopher tortoise community in the area. There is nothing of this intensity in the area now. This will only add to the congestion.

Hester Zuccardi had concerns with light, noise, increased traffic, wildlife displacement, and the fact that Slavia Road was a two lane road. The County should concentrate on creating better jobs. There will be a rise in crime with Wal-Mart.

Susan Kostrinos stated that she does not mind driving the 3.5 miles to the nearest Wal-Mart now. None is needed here.

Michael Kimladi said that there have been several tragedies on the roads in this area. Wal-Mart will create traffic. We still do not have a solution to the traffic on 436 and Red Bug Lake Road. There are lights on Dodd and Tuskawilla Roads. Also lights at Albertsons Center, Citrus Road, Mikler Road, and Slavia. We do not need more traffic and lights in this area. Tuskawilla wants quality. It needs small businesses.

Greg Pryor of 1478 Thornhill Circle represented 18 subdivisions in the area. He is opposed to this proposal. His coalition started in 1998 to keep the Red Bug corridor residential. He does not oppose the conversion of the 4 commercial out parcels. He requested a recommendation for denial.

Make Kraus, a registered engineer who lives in the area of the request, stated that this request does not fit in with the area. The area to the west of Slavia Road is the cut off point for commercial development.

Jane Seman of the Fowler Law Firm, stated that neighborhood commercial was to be allowed. Objectives and policies support such injections. The County will be built out by 2020, and infill parcels will be converted to residential use. She requested that this item not be transmitted.

Mr. Kantor stated that this is not a DRI. This land is appropriate for this use. It is good for transmittal.

The public hearing was now closed.

Commissioner Mahoney asked Mr. Kryer why the Wal-Mart on the east end of Red Bug Lake Road was all right, and this one would not be.

Mr. Kryer said that this project is 10 times the size of the other one.

Commissioner Tucker asked how the outparcels effect the buffers.

Mr. Matthews said that active passive buffers are required. Gopher tortoises would be addressed at the time of final engineering. The Stone parcel has design restrictions.

Commissioner Mahoney made a motion to recommend non-transmittal and to deny rezoning.

Commissioner Peltz seconded the motion.

In discussion Commissioner Mahoney stated that this use is too intense here. He is not opposed to Wal-Mart, but 300,000 square feet is too intense.

Commissioner Hattaway stated that she is not opposed to Wal-Mart. This is a buffer piece, a transitional area. 1,000 parking spaces is not acceptable.

The vote was 5 – 0 to recommend denial and non-transmittal.

Commissioner Mahoney asked Dianne Kramer for further help in her comments in interpreting the school impacts.

Dianne Kramer explained that portables were a good indicator of capacity. The state had just reduced the capacity from last year by 20 percent. The county tries to keep the figures low. She will try to give comparisons within the county.

The meeting was now adjourned by unanimous consent at 9:45 P.M.