

**MINUTES FOR THE SEMINOLE COUNTY  
LPA / P&Z COMMISSION  
AUGUST 6, 2003**

**Members present:** Alan Peltz, Dick Harris, Ben Tucker, Beth Hattaway, and Dudley Bates

**Members absent:** Thomas Mahoney, Chris Dorworth

**Also present:** Jeff Hopper, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, J.V. Torregrosa, Planner, Jim Potter, Development Review, Mahmoud Najda, Development Review Manager, Karen Consalo, Assistant County Attorney, J.R. Ball, Development Review, Don Fisher, Director of Planning and Development, Gary Rudolph, Utilities Manager and Candace Lindlaw-Hudson, Sr. Staff Assistant.

## **OLD BUSINESS**

**A. 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 Z2003-011).

Continued from July 9, 2003, per the applicant's request

Commissioner McLain - District 5

Jeff Hopper, Senior Planner

Jeff Hopper stated that the applicant requests a change in future land use designation from Suburban Estates (SE) to Planned Development (PD) to accommodate 117 single family homes on a 51-acre site. At a net density of approximately 2.6 units per net buildable acre, the project is described as a "traditional neighborhood development" with front porches, alleys and large open space areas. Typical lot sizes are 45 feet by 130 feet and 75 feet by 145 feet.

Development to the north includes an assisted living facility, an apartment complex, and commercial/office uses within the Oakmonte PUD. To the south and west are single family residential developments at densities of 1 unit per acre or less. The site adjoins the Seminole-Wekiva Trail on the west.

Mr. Hopper stated that due to significant differences in density between the proposed development and existing residential uses to the south and west, and lack of access through the Oakmonte PUD (to the north), lack of transition of lot sizes between the existing neighborhood and the proposed lots, staff recommends denial of the request.

In reviewing development trends in the area Mr. Hopper stated that development to the west and south of the subject property is predominantly single family in nature at densities not exceeding 1 unit per acre. Historically the area has been viewed as a neighborhood of large-lot estates, with proposals for higher densities rejected as being out of character. Development to the north of the proposed Rockwell site consists of a cluster of commercial and other higher intensity uses centered on the I-4 interchange at Lake Mary Boulevard. The Oakmonte PUD represents a gradient of intensity, beginning with commercial and office tracts adjacent to the major thoroughfares on the north and east, and transitioning to multi-family and other, lower-impact nonresidential uses to the south and west. Included in this complex of uses is the ITT Business Training Facility and the Oakmonte Senior Village at the south end of the PUD. Approved with a 6-foot wall along the south property line, the Senior Village has been viewed as the southern extremity of urban uses into the Markham Woods area. Access through the Senior Village is prohibited by the PUD Development Order for Oakmonte.

Access to the subject property is via Long Pond Road, a local street. However, level of service information is available for Markham Woods Road, the Collector road serving the area. Existing level of service is "A", adopted LOS standard is "E" + 20%. Markham Woods Road is a policy-constrained roadway and will remain a 2-lane road indefinitely.

The subject property is within the Seminole County water and sewer service area. Water, sewer service and reclaimed water are currently available to the site.

Based upon an initial evaluation of compatibility, the proposed Planned Development land use would not be in keeping with future land use designations on adjoining properties to the west and south. Approval of the proposal on this site would introduce a residential development at a density of 2.6 dwelling units per acre which is a pattern not typical of the neighborhoods along Long Pond Road. In concept, the Rockwell proposal could function as a transitional use in relation to multi-family and nonresidential uses to the north. However, there would be no physical connection with adjoining development in Oakmonte PUD, as road access is not available in that direction. Access to the subject property is limited to Long Pond Road, connecting to Markham Woods Road, effectively making the project a close neighbor of the Suburban Estates areas to the west and south. Although buffering is proposed adjacent to these areas, the project's density of 2.6 units per net buildable acre is significantly higher and not comparable with the established residential development around it. The proposed lots are smaller in size than adjacent lots. These lots are clustered on the western portion of the property closer to the larger lots rather than being located closer to Interstate 4.

Staff recommends denial of the request due to significant differences in density between the proposed development and existing residential uses to the south

and west, and lack of access through the Oakmonte PUD, and lack of transition of lot sizes between the existing neighborhood and the proposed lots.

John Rinehart of Glatting, Jackson spoke next. He stated that this is a complicated project which has been under development for 1.5 years. He requests transmittal of the application. Mr. Rinehart said that this project is 51 acres located south of Lake Mary Boulevard, adjacent to I-4. It is surrounded by already developed land. Mr. Rinehart stated that he feels this project will succeed because of its superior community design; it is an infill site; and it makes efficient use of services on an urban level.

Mr. Rinehart quoted from the Seminole County Vision 2020 plan which states: "When infill development is proposed, the public hearings are usually intense because the idea of infill inherently involves existing adjacent development. The infill site is generally expensive as compared to property located in fringe areas of urban development and, therefore, the proposed development is usually more dense or intense than the existing development. Buffers between existing and proposed uses are becoming important both in practical terms and in the minds of residents of existing neighborhoods. Without proven standards for buffers and other protections, the adjacent neighborhoods may object."

Mr. Rinehart stated that some communities succeed because of their traditional design and connectivity opportunities offered to the community in the inherent design of the neighborhood. Examples of such communities are Baldwin Park and Celebration.

Mr. Rinehart showed a compatibility radius on an aerial map. He reviewed the surrounding existing land uses and stated that he did not want to put up a sound wall as a buffer to the adjacent highway noise of I-4. To the north of this site is an area of 11 dwelling units per acre. He is proposing 2.6 dwelling units per acre. This 51 acre site is less than ½ developable. To the west is 7 acres of open space. He will substitute a natural buffer to I-4. The site will have stormwater retention and three internal parks which will front on houses.

The applicant stated he is willing to commit to a minimum house size of 2,300 feet. He is negotiating with Morrison Homes to build traditional homes here. Mr. Rinehart showed pictures of a variety of traditional house styles which could be represented in the community.

In summary, he stated that this infill site project will preserve over 40% of open space using a superior community design which provides transitions to other communities. It will use central water and sewer.

No one spoke in favor of the project from the audience.

Paul Lyons of 36 Stone Gate South has property located to the north and west of the property. Mr. Lyons submitted a petition with 69 adjacent homeowners objecting to this project. When he bought his property this land was designated to be one acre in minimum lot size. He wants the designation to stay that way.

Joseph Breig of 26 Stone Gate South stated that the apartments in the area already provide transition. He wants one dwelling unit per acre, not four.

Eric Duncan of 5 Stone Gate North stated that he moved to the area because of one acre lots. This will bring in at least 240 cars to the road. He is worried about traffic on local roads. He is also concerned about the devaluation of his home.

Robert Cushman of 27 Stone Gate North stated that the original intention of PUD zoning was to permit clustering. Higher intensity is now being used in PUDs. Mr. Cushman is the developer of Ravensbrook. He has been there since 1968. He stated that there are a number of developments in the area with low density. This is a water recharge area; this project belongs somewhere else. Many people live in the area because of the country estate lifestyle. This is not a place for PUD zoning.

George Calvi of 23 Stone Gate North stated that he has lived in the area for 10 years. He came to the neighborhood because of the lifestyle. He feels threatened by the lack of democracy in this process. The one acre estates have been there for 30 years. Traffic on Markham Woods Road is bad. It is a 2 lane road. It has been said that the road will never be widened. He asks the Board to please respect the commitment of the people to the area.

Nigel Bradley of 1586 Rebecca Place lives on the corner of Long Pond Road and Markham Woods Road in a 17 acre tract. It is a 7 minute drive to the houses on the other side of I-4 which were included in Mr. Rinehart's map circle. That area is not part of this neighborhood. With condensed housing, Long Pond Road will be overrun. There are no sidewalks in the area. There is no traffic light to get cars onto Markham Woods Road. The area of the intersection of Long Pond and Markham Woods Road is on a slight rise. It is dangerous for traffic there. No buffers are needed to separate the commercial sites on the other side of I-4.

Debra Wert of 20 Stone Gate South said that when the Oakmont project was presented it looked like Southern plantation homes. That is not what was put there. For 30 years people in the area have fought to protect Markham Woods Road and the area. It is a desirable area in which to live. She requested to please keep the zoning one acre.

Thomas Connelly of 121 Orange Ridge Drive (off of Long Pond Road) said that the area does not have a linear road system. The idea of needing transitions is not realistic. A PUD should not imply higher density. He is opposed to any changes in zoning.

John Rinehart stated in rebuttal that the project has 2.6 dwelling units per net buildable acre and the price will start at \$325,000.00 dollars. The impact on Markham Woods Road, which is operating at level "A," is not appreciable. This will not be duplexes. Land use changes through time through prudent community choices as the community matures. He requests transmittal of the item.

Commissioner Harris stated that this property was once proposed to be used as a high school. Now we have fee simple single family residences next to fee simple single family residences. This will be like an old town, like Baldwin Park or Celebration. There is a demand for a sense of community. When he looks back at the arguments against now established communities, the clustering was fought by people on Markham Woods Road. Who would build a home on I-4? One must look ahead at the long range quality of community.

Commissioner Harris continued that the issue is: where does this fit in the overall needs of the community? If you do not want it, buy the land. As a community changes we see competing interests, sprawl vs. higher intensity. This will have little effect on your home values; there are many neighborhoods with a diversity of housing. There will be empty nesters here.

**Commissioner Harris made a motion to recommend the Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development).**

**The motion died for lack of a second.**

Commissioner Hattaway stated that this is a lovely project with a good plan. Clustering of homesites and services is good. People in this area expect one acre home.

**Commissioner Hattaway made a motion to recommend denial.**

**Commissioner Bates seconded the motion.**

Commissioner Bates stated that this is a nice development. He works near Baldwin Park and sees it every day. He cannot support development because of the increase in intensity. He asks if this will improve the quality of life in the area. He questions Markham Woods Road being at service level "A." He supports denial of the request.

Commissioner Tucker stated that there are areas that should not be developed as single family residences near I-4. Future planning on the site will have to buffer as this plan does. He likes the plan, but it will affect the road.

**The motion passed by a vote of 4 – 1. Mr. Harris voted "no."**

**B. Deep Lake PUD**; Ronald Henson II, applicant; Major Revision to PUD Preliminary Master Plan for the development of mixed residential and commercial uses; approximately 18.66 acres located on the south side of SR 426, and the west side of Deep Lake Road (Z2002-008).

Continued from July 23, 2003, per the applicant's request

Commissioner Maloy - District 1

Jeffrey Hopper, Senior Planner

Chairman Tucker announced that the Deep Lake item had been requested for continuance.

**Commissioner Harris made a motion to continue the item to the September 3, 2003 meeting.**

**Commissioner Bates seconded the motion.**

**The motion passed by a vote of 5 – 0.**

## **NEW BUSINESS**

**C. Briefing relative to a proposed Seminole County Land Development Code Amendment**; A proposed Land Development Code amendment relative to the timing of payment for the Fire and Rescue, Library and Transportation Impact Fees and Water and Sewer Connection fees.

Countywide – All BCC Districts

Ginny Markley, Program Manager Impact Fees and Concurrency

Ms. Markley gave a briefing regarding an amendment to the LDC and Code of Ordinances of Seminole County. She stated that earlier this year the Board of County Commissioners directed staff to research the possibility of changing the timing of payment of impact fees from the current code requirement which is at the time of the issuance of a building permit, to instead, collection of the fees at the time of the issuance of the Certificate of Occupancy. The Board asked staff to look at processes and come back to them with all the checks and balances. Staff did that, but found in testing that the processes work better if the fees are collected at the time of an application for a pre-power electrical inspection or when full electrical power is called in to the power company. It was found that there were just too many problems with collecting fees at the time of the issuance of a C.O. The biggest problem is that there are too many building permits, assessed impact fees, that do not receive certificates of occupancies but with just a few exceptions, all permits need electrical power inspections.

Ms. Markley stated that when reviewing processes, staff analyzed the collection of the road, library, fire/rescue, schools impact fees, developer commitment fees such

as law enforcement and drainage fees. We also studied the processes for the collection of the water and sewer connection fees and collection of the county impact fees imposed on properties located within the municipalities. When everything was finished, we went back to the BCC with a plan to change the timing of payment of impact fees for just the road, library, and fire/rescue impact fees, developer commitment fees such as law enforcement and drainage fees and the water and sewer connection fees. Staff excluded school impact fees due to problems that the change would cause to the planning of the School Board's capital programs. We also excluded properties located within the municipalities due to our inability to collect the fees once the permit is issued and also our inability to run reports that would monitor collection. Staff did agreed to continue working on these processes and are working to find a solution in the future.

On May 27, 2003, the BCC directed staff to proceed with a change to the timing of payment for the road, library, and fire/rescue impact fees, developer commitment fees such as law enforcement and drainage fees and the water and sewer connection fees. Schools and municipalities were excluded. The BCC also directed staff to 1) implement the program by the beginning of the new fiscal year, October 1, 2003, 2) provide the BCC with a status report within six months of its implementation, and 3) continue to work with the municipalities to coordinate and enhance our impact fee processes.

The first step to the program's implementation is to amend the Ordinances, both the Land Development Code and the County Code of Ordinances. The proposed amendment to the Ordinances that was provided to you in your meeting package proposes to eliminate all reference to the payment as a condition to the issuance of a building permit for those specific fees recommended by staff and also authorizes the Board of County Commissioners to determine, by Resolution, the point or points in the development process when impact fees and water and sewer fees must be paid. Ms. Markley stated that the proposed Resolution that staff will present to the BCC at a public hearing this September will set the time of payment at the time of an application for a pre-power electrical inspection or when full electrical power is called to the power company. If adopted, staff plans to implement the process this October 1<sup>st</sup> 2003. This concluded the briefing.

Commissioner Tucker asked if there had been legislation that changed the way assessments were done for taxes prior to the Certificate of Occupancy being issued.

Ms. Markley stated that at one time it was believed that concurrency could be paid at the issuance of permits. That is not so. Fees can be collected up until the issuance of the certificate of occupancy.

Commissioner Tucker stated that if a house is partially constructed, it is assessed at partial value. We are now looking at putting impact fees on prior to selling the home.

Ms. Markley stated that it is a benefit to the builders to set the fees later in the process. Full power comes in prior to the Certificate of Occupancy.

Commissioner Tucker stated that vacant homes do not impact services. He asked if this is an improvement.

Ms. Markley stated that it is an improvement. The fees cannot be in error. They are computerized.

Commissioner Harris stated that the County is impacted by new construction prior to the collection of fees. What this is doing is unifying the process and eliminating the errors in fee collection.

Ms. Markley stated that impact fees are the actual connection fees for the dwelling itself.

**D. Colonial Town Park PSP**; Bowyer-Singleton & Associates/Mark Jacobson, applicant; approximately 175 acres; preliminary subdivision approval for 6 lots, zoned PUD; located on International Parkway & CR 46 A. (01-05500037)

Commissioner McLain – District 5  
Michael Rumer, Planner

Mr. Rumer introduced the location of the subdivision stating that staff recommendation was for approval.

There were no questions from the Board.

**Commissioner Harris made a motion to recommend approval of the preliminary subdivision plan.**

**Commissioner Hattaway seconded the motion.**

**The motion passed by unanimous approval.**

**E. Reclaimed Water Ordinance**; An Ordinance amending the Land Development Code of Seminole County; amending definitions; requiring reclaimed water system connections; providing construction and design standards.

Countywide  
Mahmoud R. Najda, P.E.



Mr. Najda stated that Seminole County had recently completed construction of the new Markham Regional Water Treatment Plant located on Orange Boulevard in unincorporated Seminole County. As part of the permitting requirements for the plant, St. Johns River Water Management District (SJRWMD) required Seminole County to adopt certain measures aimed at reducing the amount of potable water that will be withdrawn from the Floridian aquifer. This proposed ordinance will help reduce the use of potable water for irrigation purposes by requiring new development to construct and connect to a reclaimed water system, provided such a supply is available. A reclaimed system would be considered available if it lies within 1,250 feet of the site and is accessible through existing easements or rights of way. The ordinance will require new development to install dry lines for future connection to a reclaimed water system if the development will be served by a utility provider within ten years.

Mr. Najda stated that staff recommends approval of the adoption of the ordinance.

Mr. Najda stated that on page 4 of his report, Item C should read July 14, 2003, instead of June 3, 2003. The date change was necessary because of the need for further staff input on the matter.

Commissioner Harris asked about the dry lines and need for future connection.

Gary Rudolph, Utilities Manager, explained that dry lines would be installed to tie in with future reclaimed water lines if lines would be placed within a 10-year timeframe.

**Commissioner Harris made a motion to recommend approval of the draft of the Reclaimed Water Ordinance, and find it in compliance with the Vision 2020 Comprehensive Growth Management Plan.**

**Commissioner Peltz seconded the motion.**

**The motion passed by a vote of 5 – 0.**

## **PUBLIC HEARING ITEMS**

**F. Tuscawilla Centre; NAI Realvest Partners, Inc. / Paul Partyka, applicant; 1.8 Acres; rezone from OP to PCD for a restaurant; located on the east side of Tuskawilla Road 1/4 mile north of Red Bug Lake Road. (Z2003-014)**

Commissioner Morris – District 2  
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting approval of a PCD on a 1.8 acre site on the east side of Tuscawilla Road. Intended use of the property is a 150-seat

seafood restaurant in a 6,000 square foot building. The proposed site plan shows sufficient parking and landscaping, and, with a few exceptions, meets applicable regulations of the Land Development Code. The request includes waivers to certain Code provisions.

The applicant is requesting approval of a PCD on a 1.8 acre site on the east side of Tusawilla Road. Intended use of the property is a 150-seat seafood restaurant in a 6,000 square foot building. The proposed site plan shows sufficient parking and landscaping, and, with a few exceptions, meets applicable regulations of the Land Development Code.

A Low Density Residential (LDR) land use designation on neighboring property to the north nominally triggers the active/passive buffer requirement of the Land Development Code. However, the existing use of that adjacent site is a veterinary clinic, Tuskawilla Oaks Animal Hospital, which was permitted by Special Exception in the A-1 zoning district. Because of the commercial nature of the existing use, the normal buffer requirement should be reduced.

The restaurant proposal includes a full-service bar, although the majority of the facility's revenue would be generated by food sales. The site is not within 1,000 feet of a church or school. The Code also provides for separation distances of 500 feet from the entrance to the facility, and 100 feet from the closest vertical surface of the building, to property having a residential zoning or land use designation. Mr. Hopper said that the site location and submitted site plan do not meet these requirements in relation to the veterinary clinic property to the north. However, the subject property is 500 feet from developed residential property, assuming that residents of Tuskawilla Point to the west make use of legal pedestrian crossings.

Preliminary research by staff indicates that the neighboring lot to the north is still in the A-1 Agricultural district, despite being shown on available zoning maps as R-1AA. Mr. Hopper stated that although staff will continue investigating this zoning discrepancy, the active/passive buffer and residential separation requirements apply because of the future land use designation of the animal hospital site. Any or all of these requirements may be waived or reduced by the Board of County Commissioners through the PCD approval.

Staff recommendation was for approval with the following conditions:

- a. The structure shall be set back a minimum of 50 feet from the north property line.
- b. A minimum 5-foot buffer shall be provided along the north property line, including a 6-foot brick or masonry wall.
- c. The site shall be limited to C-1 district permitted uses, but shall include alcoholic beverage sales within a bona fide restaurant as defined in Section 30.1353 of the Land Development Code. If a use other than a

- restaurant is proposed, a major amendment to the PCD may be required.
- d. Hours of operation shall be 11 a.m. – midnight Sunday through Thursday, and 11 a.m. -1 a.m. Friday and Saturday.
  - e. Outdoor seating shall be provided only on the west and south sides of the building.
  - f. Retention pond shall be amenitized per Section 30.1344 of the Land Development Code. This shall be determined at Final Site Plan review.
  - g. Outdoor lighting fixtures shall be limited to shoebox-cutoff style fixtures not more than 16 feet in height, projecting no more than 0.5 foot-candles at property lines..
  - h. The architectural style of the building shall be compatible with residential. Elevations shall be provided at Final Master Plan.
  - i. Building height shall be limited to a maximum of 35 feet.
  - j. Applicant shall provide paved pedestrian paths connecting the building to public sidewalks on Tuskawilla Road.
  - k. Delivery times shall be limited to 9:00 a.m. to 9:00 p.m.

Paul Partyka, applicant, stated that this site plan gives proper landscaping and more trees than are necessary by Code. He agrees to a wall for noise abatement. He is concerned for the neighbors. The nearest home is 600 feet away, across the retention pond. He supports staff comments and his client will agree to a wall or burm. He would like to bring in a restaurant here. Mr. Partyka showed a series of photos of buildings in the area.

Commissioner Hattaway asked if there were any pictures of the area to the west.

Mr. Partyka said no, that the area to the west was conservation.

Commissioner Harris asked about the lights from the cars entering the business at night shining across the retention pond to the houses on the other side.

Mr. Partyka stated that there would be buffering.

Commissioner Peltz asked about the access drive in front of Arby's Restaurant.

Mr. Partyka stated that the access driveway to Arby's stops at the end of that property.

No one spoke from the floor in favor of the application.

Dr. Alex G. Suero spoke in opposition. Hw stated that he wrote a letter on July 27, 2003. He is concerned about the 5 foot setback from his clinic. He has animals housed on that side of the building and he is concerned that they will be disturbed by noises from the proposed parking lot and that the animals would become aroused at

night by the activity outside. He thought that the zoning would be OP (Office Professional). This proposed use will be open too late. He wants a wall and increased setbacks.

Mr. Partyka stated that he wants to be a good neighbor.

Commissioner Peltz asked Mr. Partyka if he could agree to a 20 foot buffer on the north.

Mr. Partyka stated that he would consider a wall, but that he needed the 5 foot setback to fulfill parking requirements on the site.

Commissioner Hattaway asked about the outdoor seating. Seating on the west is not good. There should only be seating outdoors on the south side of the site.

Commissioner Tucker suggested that the restaurant could use silent reminder equipment in lieu of loudspeakers to call people in to their tables.

The public hearing was now closed.

Commissioner Tucker asked Matt West and Don Fisher if this was the same area Mr. Vihlen had made an application for 13 years ago for a vet clinic. The veterinary clinic at that time was required to have been soundproofed.

Mr. Fisher stated that this is a transitional use between the commercial veterinary clinic and the residential zoning. A 5 foot non-residential to non-residential zoning setback was allowed for parking. The buffer can be 7 feet with a 2 foot overhang on 18 feet parking spaces (in lieu of 20 feet). Typically buffering is best achieved with a 6 foot masonry wall.

Commissioner Tucker asked if the Board had ever precluded outdoor amplification of sound before.

Mr. Fisher said that the Board had done so in the past.

**Commissioner Bates made a motion to recommend approval as per the conditions in the development order, including no exterior amplification of sound and no exterior seating on the west side of the building.**

**Commissioner Hattaway seconded the motion.**

**The motion passed by a vote of 4 – 1.** Commissioner Peltz voted “no.”

**G. SR 426/Chapman Road Walgreens; Preston Bolt, applicant; approximately 5.1 acres, Major Amendment to a PCD (Planned Commercial Development);**

located on the southwest corner of State Road 426 and Chapman Road. (Z2003-023)

Commissioner Maloy – District 1  
Cathleen Consoli, Senior Planner

Ms. Consoli stated that the applicant, Preston Bolt, of Chapman 426 Development, LLC, is requesting to amend the Planned Commercial Development (PCD) formally known as Polystar Industries to include commercial uses for a proposed Walgreens Pharmacy. The property was rezoned in 1998 to PCD with industrial uses, permitted through the Preliminary Master Plan and Development Order. A Final Master Plan and Developers Commitment Agreement (DCA) have not been submitted for this development as previously approved. At this time, the applicant is proposing to revise the approved preliminary master plan and change the uses permitted on the site to uses found in the C-2 (Commercial Retail District) rather than the M-1A (Very Light Industrial District) uses as depicted on the 1998 preliminary master plan. An amendment to the Development Order is to replace the word “Walgreens” with “pharmacy.”

Staff recommendation is for approval of the request based on staff findings and conditions placed on development included in the staff report. Staff recommends APPROVAL of the requested PCD Major Amendment subject to the following conditions:

1. Building setbacks shall be
  - Front (SR 426 and Chapman Road) – 25 feet
  - West property line – 10 feet
  - South property line – 10 feet
  - Internal lots – 5 feet
2. Landscape buffers shall be:
  - Front (SR 426 and Chapman Road) – 10 feet
  - West property line – 5 feet
  - South property line – 5 feet
  - Internal lots – 5 feet
3. Permitted uses are those permitted and conditional uses found in the C-2 zoning district plus self service gasoline pumps as an accessory use, restaurants and drive in banks. However, the following uses are prohibited: adult entertainment establishments and alcoholic beverage establishments including bars and cocktail lounges, new and used car lots, hotels and motels, flea markets, self service laundries, veterinary kennels or clinics, dry cleaning plants, bottling and distribution plants and boat sales or boat service facilities;
4. Alcoholic beverage sales may only be incidental in nature such as convenience stores or bona fide restaurant uses;
5. Restaurants may only operate between the hours 7a.m. until 11p.m. Sunday through Thursday, and 7a.m. until 1 a.m. on Fridays and Saturdays;

6. Deliveries may only be received between the hours of 7a.m. and 9p.m.;
7. The Walgreens site may be open 24 hours a day, seven days a week;
8. The site shall provide 30 percent open space;
9. A 5 foot sidewalk shall be constructed along Chapman Road the entire length of the parcel;
10. Only one access point to the subject property is permitted to cross the Cross Seminole Trail. Said access point shall be located at the pre-existing trail crossing location;
11. A 10 foot buffer is required adjacent to the trail corridor on the east property line with 4 canopy trees and 4 under story trees per every 100 linear feet;
12. Gas canopies shall have recessed lighting so that lighting fixtures shall not be visible below the horizontal plane of the canopy;

Final Master Plan shall adhere to all applicable requirements of the Land Development Code and Vision 2020 Plan.

Meredith Pickens of Shutts and Bowen stated that a prior owner had made a zoning change that showed industrial uses. This PCD will have retail commercial uses. The one consideration was the middle access point. Others use the access road shown on the diagram to the right of the site. The applicant can “live with” the one access point as indicated by Staff. The next step is a final site plan and developer’s commitment agreement.

There were no questions from the Board at this time.

Ms. Jo Goodman lives on the corner of Chapman Road and SR 426. She stated that in the widening of 426 her driveway was moved and that such action caused a funneling effect in which the water from the road runs onto her property. She wants the drainage in the area to be fixed. Also, light from headlights on the proposed site should be buffered adjacent to the north property line.

Ms. Pickens said that the applicants will have to meet all St. John’s River Water Management District standards and that lighting will be addressed at the time of final master plan approval.

Commissioner Tucker asked if Ms. Pickens would change the road.

Ms. Pickens stated that the applicants will meet all criteria of the Land Development Code.

Bill Tipton III of Tipton & Associates stated that they will construct an urban road which will meet all of St. John’s River Water Management criteria.

**Commissioner Harris made a motion to recommend approval of the application with the conditions listed in the staff report, including the**

**condition to provide an opaque landscape buffer along the northern property line to limit headlight intrusion to existing buildings.**

**Commissioner Peltz seconded the motion.**

**The motion passed by a vote of 5 – 0.**

**H. Seminole Wekiva Trailhead; (Mandell Property;)** Seminole County applicant; approximately 8.9 acres; Administrative Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the west side of I-4 approximately 600 feet south of E.E. Williamson Road (08-03SS.08 and Z2003-028)

Commissioner Van Der Weide - District 3  
Cathleen Consoli, Senior Planner

The Seminole County BCC requests a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) for property located west of Interstate 4 and east of the Seminole Wekiva Trail, south of E.E. Williamson Road.

On June 24, 2003, the Board directed staff to proceed with the negotiation of a contract to purchase these 8.9 acres to locate a trailhead, process a Billboard Agreement and process an administrative land use amendment and rezoning. Please see attached Agenda Memorandum for details. The site currently accommodates five (5) Outdoor Advertising Signs. The proposed Billboard Agreement will result in the removal of three (3) signs, the reconstruction of the northern most sign to a multi-vision sign, and the southern most sign will remain. For this activity to take place, the Florida Statutes states that the land use for billboard property must be Industrial or Commercial. The proposed Planned Development land use restricts activity on the site to the following uses: Seminole Wekiva Trailhead, Outdoor Advertising Signs, and retention. The proposed PUD zoning will allow these uses and provide for access and retention. A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities. This amendment will allow a trailhead facility for the Seminole Wekiva Trail and reduce the number of Outdoor Advertising signs. Additional information regarding lighting, buffers, setbacks and facilities on site are required prior to Final master Plan approval.

Ms. Consoli stated that staff recommendation was for recommendation of approval with the following conditions:

1. The only permitted uses are Seminole Wekiva Trailhead and its accessory uses, retention areas and two (2) Outdoor Advertising signs; and

2. Vacation of right of way for Toula Way; and
3. The final Master Plan shall provide buffering to the west of the project, building setbacks, architectural style of proposed structures, proposed signage for the site, appropriate lighting design, and landscaping; and
4. Development shall comply with all applicable requirements of the Seminole County Land Development Code and the Vision 2020 Plan.

Spencer Phelps of 25 Bayridge Court said that he was in favor of this project.

Nancy Seigrist represented the Homeowners Association of Fern Drive. She has concerns that the land will be used as a trailhead only. 100 parking spaces could impact the property on Markham Woods Road. She wanted to know if traffic impacts have been considered.

Danny Bower owns a parcel to the south of the site and was concerned about access to his property if the trailhead is gated.

Commissioner Tucker inquired about an easement to his property.

Mr. Bower stated that he was not sure of an existing easement.

The public hearing was now closed.

Ms. Consoli stated that the property had not yet been purchased.

Cindy Matheny stated that the trailhead was not yet funded. This is the highest use for the property. It will mainly be used on weekends and will not contribute to traffic. As of now there is no legal parking in the area.

Commissioner Tucker said that this request will address the parking problem in the area.

Cindy Matheny stated that the only parking is on SR 434 near San Sebastian. This will serve the central part of the trail.

Don Fisher stated that the County has a survey of the property and that there is no easement for Mr. Bower to access his property. Mr. Fisher said that he will work with a neighbor to get access to the billboard on Mr. Bower's property.

Ms. Seigrist stated that 100 cars will have an impact on the area. She again asked for the parking lot to be limited in size.

**Commissioner Peltz made a motion to recommend approval as written in the staff report.**

**Commissioner Bates seconded the motion.**



**The motion passed by a vote of 5 – 0.**

I. **Nissan Rezone**; R & R Investments, LLC, William D. Ray Jr. – applicant; approximately 4.5 acres, Small Scale Land Use Amendment from Recreation (REC) to Industrial (IND) and Rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion; located approximately 550 feet west of North US 17-92 and approximately 1,100 feet north of Gen. Hutchison Parkway; (Z2003-026 and 08-03SS.07)

Commissioner Morris - District 2  
Cathleen Consoli, Senior Planner

Ms. Consoli stated that the applicant, William Ray, Jr. requests a Small Scale Land Use Amendment from Recreation to Commercial and a rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for car dealership expansion. The applicant wants to develop this 4.5 acre site to allow for additional parking and expansion of his facilities, Bill Ray Nissan, on North US 17-92. This application is a result of a proposed land exchange between the applicant and the County. On June 24, 2003, the Board of County Commissioners directed staff to proceed with this land exchange.

The C-3 zoning classification is needed to permit car repair on this portion of property. The Industrial land use allows for this zoning classification. The proposed land exchange will result in an increase of county owned land within the Spring Hammock Preserve. Approximately two thirds of the subject property are uplands which will allow Bill Ray Nissan to utilize it for additional parking and facilities. The applicant states that the expansion of his site is needed for the business to remain competitive in this location along the US 17-92 corridor. Buffers are required adjacent to the wetlands to protect the adjacent Spring Hammock Preserve.

This rezone and small scale land use amendment request is the first step in the process. The proposed parcel of land that will be part of the exchange is located along CR 419 in the Spring Hammock Preserve.

Ms. Consoli stated that staff recommendation was for a recommendation for approval as per the conditions outlined in the staff report.

Bill Ray stated that he has been doing business now for 27 years. He needs more storage space for his cars. The County wanted 15 to 16 acres of sensitive lands. He said that they traded; the property on Rt. 419 is across from a County park.

Sarah McClendon of 250 Spring Lake Hills Drive, Altamonte Springs, represents Friends of Environmental Study Center of Spring Hammock. She stated that this property is high and dry. It is one of the areas purchased in 1970 as

environmentally endangered land. The habitat is going to be lost forever. This is one of the highest elevations in the preserve. In order for the habitat to survive, a variety of elevations are necessary. This land acts as a greenbelt in the middle of the County. She stated that as time goes on such land only increases in value to the community. It has been preserved for 30 years and should only be used for recreation. Ms. McClendon requested the recommendation of denial.

Alli Jones of 104 Hidden Arbor Court, Sanford, supported Ms. McClendon's comments and questioned why this dealership could not move to the vacated Honda lot next door to the north.

Polly Miller of 121 Larkspur Drive, Altamonte Springs, spoke on behalf of the League of Women Voters of Seminole County. She stated that this is not the first time that she has appeared, but this is the first time that the County has wanted to rezone property that was acquired for preservation. The voters of the County have voted three times to allot money for the purchase of environmentally sensitive lands for preservation. To recommend the proposed penetration of the car dealership into precious hammock lands will kill voter confidence in County Referendum promises. Seminole League of Women Voters requests denial of this application.

Pat Burket of 1821 W. Carlton Street, Longwood, stated that the voters at the time of the referendum stated that Spring Hammock was one of the specific areas they wanted to preserve. She questioned the ownership of the land and requested denial.

Mr. Ray stated that the dealership next door was not available for his purchase. He said that the piece he was swapping was useful as a park for the County. The other parcel is not.

Commissioner Harris asked what the usable amount of land was, comparatively, between the two parcels.

Colleen Rotella, Community Resource Manager, stated that approximately 3 of the 4.5 acres are developable. The swap property is difficult to survey in the area of Soldier's Creek, which is why it is defined as being between 6 and 15 acres. There are at least 3 developable acres there.

Commissioner Harris stated that we would be exchanging approximately 4 acres for 7 acres.

Ms. Rotella concurred. She stated that this had been taken to the Natural Lands Advisory Council, which had recommended approval, but that the Advisory Council was concerned about establishing a bad precedent.

Commissioner Peltz asked how this could be done without having knowledge of the exact acreage.

Ms. Rotella stated that the County believes that there was a minimum of 6 acres on the property to be swapped. The owner believes that it is about 15 acres.

Commissioner Hattaway stated that Seminole County would not have clear title to the land.

Ms. Rotella stated that the County would do a special warranty deed over the area with quick claim. This is the final piece of land available in that area in the Spring Hammock area not owned by the County or the State. The difficulty in the area has been the shifting channel of Soldier's Creek. This will finalize the area for the County.

Commissioner Tucker stated that there had been concerns about having a large out parcel in the Hammock. This is the best of the compromises recommended. The other piece is commercial on two sides.

Commissioner Harris asked about the drainage on the parcel that was to be handled.

Ms. Consoli stated that a 25-foot average, 15-foot minimum undisturbed buffer from the jurisdictional wetland line would need to be provided. A conservation easement will be required to be placed over the wetlands and required buffers dedicated to Seminole County.

Commissioner Harris asked if any burms and catch basins were being required for run off, as had been done with Alaqua Lakes. That is a realistic restraint to be put on commercial development coming into natural lands.

Ms. Consoli stated that the site would meet all requirements of the Code.

Commissioner Harris addressed the needs of having higher constrains for run off on the area of preserve. The Code established minimum standards.

Commissioner Tucker said that the Board of County Commissioners would appreciate some guidance in that area when making their decision.

Jim Potter of Development Review stated that the impacts will be minimal. The parcel flows back toward 17-92, but the water quality would be protected.

Don Fisher stated that he will make recommendations which will bring the conditions up and beyond minimum standards of the Code.

**Commissioner Harris made a motion to recommend approval of request for a Small Scale Land Use Amendment from Recreation to Industrial and rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion, for approximately 4.5 acres, adding the additional stipulation that the discharge from this parcel go back into the same basin, meeting higher standards than basic Code requirements.**

**Commissioner Bates seconded the motion for discussion.**

Commissioner Peltz stated that he was opposed to giving up any land. He did not think that this should be done without clear title on the other property.

Commissioner Hattaway asked if the County had given up land in the Hammock area before.

Ms. Rotella said no.

Commissioner Hattaway said that she hated to see it start. It should not come out of a public trust.

Commissioner Tucker stated that mitigation of land was a common occurrence. Elimination of outparcels is a major accomplishment. He will be voting with the motion.

Commissioner Peltz disagreed.

**The vote was 3 to 2 in favor of the motion. Commissioner Peltz and Hattaway were opposed.**

**J. Seminole County BCC / North CR 427 site, Seminole County BCC – applicant; approximately 1.26 Acres; rezone from A-1 (Agriculture) to PLI(Public Lands and Institutions) south side of North CR 427, approximately 300 feet west of Hester Avenue; (Z2003-032).**

Commissioner McLain - District 5  
Cathleen Consoli - Senior Planner

In May of 2001, Seminole County granted a lease agreement to Kid's House of Seminole County on property located adjacent to the west of the subject property on North CR 427 (Ronald Regan Boulevard). Kid's House of Seminole County is a non-residential counseling center for children, which is funded by a variety of sources, including the Seminole County Sheriff's Office. Due to an increase in needed services, Kid's House wishes to expand its facility upon the adjacent property which is also County owned.

On July 22, 2003 the Board of County Commissioners directed staff to proceed with the administrative rezoning process for the subject parcel on which the expansion is proposed. Currently, it is zoned A-1. The proposed PLI zoning is the appropriate zoning for publicly owned land and the proposed use.

Staff recommendation was for approval of the request.

There were no questions from the Board or the audience.

**Commissioner Peltz made a motion to recommend approval of the request.**

**Commissioner Hattaway seconded the motion.**

**The motion passed by a vote of 5 – 0.**

**K. Narcissus Project;** Mellich Blenden Engineering/Steve Mellich; approximately 2.3 acres; rezone from A-1 (Agriculture) to PLI (Public Lands and Institutions); located on the north side of Narcissus Road, 700 feet west of Monroe Road (Z2003-031)

Commissioner McLain – District 5  
J.V. Torregrosa - Planner

Mr. Torregrosa stated that the applicant, Steve Mellich, requests PLI approval for approximately 2.3 acres located on the north side of Narcissus Avenue approximately 700 feet west of Monroe Road to accommodate a social services facility. The subject property has an A-1 zoning classification. The land use for the property is HIP (Higher Intensity Planned Development) which allows the proposed PLI zoning classification. Staff recommends approval of the requested PLI zoning classification.

Lisa Simmons owns an adjacent parcel and inquired about permitted uses under the PLI zoning classification.

Mr. Torregrosa read the permitted uses from Chapter 30 of the Land Development Code.

The public hearing was now closed.

**Commissioner Harris made a motion to recommend approval.**

**Commissioner Peltz seconded the motion.**

**The motion passed by a vote of 5 – 0.**

**L. Heathrow International Business Center PUD**; Miranda Fitzgerald, applicant; rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the PUD Final Master Plan and creation of the *First Amendment to the Third Amended and Restated Commitments, Classification, and District Description* (AKA Developer's Commitment Agreement) for the Heathrow International Business Center PUD. The property is generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A (portions also known as H.E. Thomas Jr., Parkway), containing approximately 188.8 acres, properties located in unincorporated Seminole County.

Commissioner McLain – District 5  
Tony Matthews, Principal Planner

Tony Matthews stated that the applicant is requesting a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the PUD Final Master Plan and Developer's Commitment Agreement for the Heathrow International Business Center PUD (HIBC PUD) to allow a community college campus and accompanying office space on Tract B of the HIBC. This PUD amendment will allow development of an 860 student campus with 14,000 square feet of office space. The proposed campus is expected to serve employees of the HIBC development businesses for continuing education. The proposed rezoning is consistent with the adopted future land use designation of Planned Development assigned to the property and does not change long range strategies or options.

Mr. Matthews stated that staff recommendation was for approval of the proposed rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development), First Amendment to Third Amended and Restated Commitments, Classification and District Description, and PUD Final Master Plan for the Heathrow International Business Center PUD, generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A with staff findings.

Commissioner Harris asked about the access. Is it on AAA Drive?

Mr. Matthews said that the access was on AAA Drive.

Miranda Fitzgerald spoke on behalf of Seminole Community College. She stated that there had been good cooperation between the applicant and the County on this project. This will be a high tech campus that will not be traditional. This should not be called a community college. It is referred to in the documents as a college/university. It will have 860 students and a 14,000 square foot office component. The applicant considers this a minor change and questions the need for full traffic concurrency. We are working on the language for the development order.

Cindy Crane of 820 Banana Lake Road asked about the placement of a wall around the project.

The public hearing was now closed.

Commissioner Hattaway stated that she will be voting on this item. She used to sit on the Board of Trustees of Seminole Community College, but she no longer does. She saw no reason to exclude herself at this time.

**Commissioner Harris made a motion to recommend approval of the request with the amendment as noted in the staff report.**

**Commissioner Hattaway seconded the motion.**

**The motion passed with unanimous approval.**

**M. Seminole County, applicant; Amendments to the text of the Seminole County Comprehensive Plan (Vision 2020 Plan) to ensure compatible land uses on properties within unincorporated Seminole County adjacent to the Orlando Sanford International Airport (03.TXT04).**

Commissioner McLain - District 5  
Tony Matthews, Principal Planner

Mr. Matthews stated that in 2002, the Federal Aviation Administration approved the Noise Compatibility Program (NCP) for the Orlando Sanford International Airport (OSIA). The NCP included eight (8) recommended land use measures that would involve changes to the City of Sanford and Seminole County comprehensive plans and land development regulations. The purpose of these measures is to: (1) reduce existing incompatible land uses around the OSIA; (2) prevent the introduction of additional incompatible land uses; and (3) protect long-term noise compatibility with aircraft activity at the OSIA. The proposed text amendments will address these land use measures.

Mr. Matthews stated that staff recommendation was for approval of the proposed text amendments to the Seminole County Comprehensive Plan (Vision 2020 Plan) to ensure compatible land uses adjacent to the Orlando Sanford International Airport, with staff findings.

Commissioner Harris noted that the noise contour maps show a long pattern of 60 decibels going out to the west of the airport, but a larger area going out to the east.

Diane Crews stated that there was a reason for that. Most of the take offs are done from the east side. It is more heavily populated to the west.

Commissioner Hattaway questioned section D-1. If property is owned now, and is vacant, does it mean that the land can not be built on in the future?

Mr. Matthews stated that within the stated areas, residential uses are considered incompatible.

Matt West stated that where there is existing residential land uses it is permissible. This refers to rezoning lands in the future.

Commissioner Tucker asked if there is a waiver for noise.

Mr. West stated that properties will have avigation easements which will acknowledge that the property is under the approach pattern of the airport.

Mr. Matthews stated that the people would be waiving their rights.

Commissioner Hattaway asked if D-2 is for future requests.

Mr. Matthews said it was. It was for recommending denial for future rezonings in this area.

Commissioner Harris said that most of the area is within this scheme already.

Ms. Crews stated that in 1998 the FAA voted that they would not fund mitigation of unbuilt land.

**Commissioner Harris made a motion to recommend approval.**

**Commissioner Bates seconded the motion.**

**The motion passed by unanimous consent.**

There being no further business, the meeting adjourned at 10:54 P.M.



