

**Minutes for the Seminole County
Land Planning Agency / Planning and Zoning Commission
Wednesday, September 3, 2003
7:00 P.M.**

Members present: Alan Peltz, Richard Harris, Ben Tucker, Thomas Mahoney, Chris Dorworth, Beth Hattaway, and Dudley Bates.

Also present: Jeff Hopper, Senior Planner; Cynthia Sweet, Planner; Michael Rumer, Planner; Tony Walter, Principal Planner; Tony Matthews, Principal Planner; Karen Consalo, Assistant County Attorney; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The meeting was called to order by Chairman Tucker at 7:05 P.M.

A quorum was established.

The Chairman reviewed for the audience the manner in which the meeting was to be conducted.

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

Commissioner Peltz seconded the motion.

The motion passed with unanimous approval.

Commissioner Mahoney made a motion to approve the minutes as presented.

Commissioner Peltz seconded the motion.

Commissioner Hattaway noted the vote on the last line of page 5 of the August minutes should be 4 -2.

Noting this correction, the minutes were unanimously approved.

The Chairman stated that Matt West will be sending a questionnaire to the Board members concerning the Land Development Code. This will be used to format a discussion of the Code at a future LPA/P&Z meeting.

OLD BUSINESS

Commissioner Tucker stated that this item had been withdrawn and will not be heard:

- A. 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).

Commissioner Maloy - District 1

Jeffrey Hopper, Senior Planner

NEW BUSINESS

TECHNICAL REVIEW ITEMS: (NON-PUBLIC HEARINGS)

B. Wilshire Townhomes PSP; Daly Design Group / Thomas Daly, applicant; approximately 13 acres; Preliminary Subdivision Plan for 130 lots; located on the southwest corner of SR 436 and Wilshire Boulevard. (03-05500022)
Commissioner Henley – District 4
Cynthia Sweet, Planner

This item was requested to be continued until the next regular meeting.

Commissioner Mahoney made a motion to continue this item to the October 1, 2003 meeting.

Commissioner Peltz seconded the motion.

The motion passed unanimously.

C. Mikler Lake Subdivision (PSP); Whitemark Homes / Mellich, Blenden Engineering, Inc. / Steve Mellich, applicant; approximately 45.95 acres; Preliminary Subdivision Plan for a 77 lot subdivision. Located on the northeast corner of Mikler Road and Chapman Road. (03-05500023)
Commissioner Maloy – District 1
Cynthia Sweet, Planner

Cynthia Sweet presented the preliminary subdivision plan for Mikler Lakes Subdivision. The project consists of 77 single family residential lots zoned PUD. Interior lots are sized 5,500 square feet and exterior lots are 7,700 square feet. This PSP is subject to all conditions of the Mikler Lakes PUD and the Mikler Lakes PUD Developer's Commitment Agreement and the proposed final master plan which must be approved by the Board of County Commissioners prior to final engineering approval. Ms. Sweet stated that staff recommends approval of the Mikler Lake Subdivision Preliminary Master Plan, subject to the approval of the final master plan and developer's commitment agreement.

Commissioner Tucker stated that the lots nearest the Greenway, facing West Chapman Road had been exterior facing lots that had previously had sidewalk issues. Sidewalks in this area are a serious concern.

Ms. Sweet stated that all lots will be internal to the subdivision. There was no final engineering plan approval yet, so sidewalks had not been determined, but they are required by the Code to be installed.

Commissioner Mahoney made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion was unanimously passed. (7 - 0)

D. I-4 Industrial Park – 5th Section; RH Wilson & Associates / Ronald H. Wilson; approximately 27.17 acres; proposed 22 lot Commercial Industrial Park, Zoned M-1A; west side of Elder Road & east of Hickman Drive (01-5500023)
Commissioner McLain – District 5
Cynthia Sweet, Planner

Ms. Sweet stated that this project is for a revised preliminary subdivision plan for the I-4 Industrial Park – 5th Section. The Planning and Zoning Commission had previously recommended approval of this project for 19 lots on July 10, 2002. The current request is for 22 lots on a 27.17 acre parcel zoned M-1A Very Light Industrial. Staff recommendation is for approval.

There were no questions from the Board.

Commissioner Harris made a motion to recommend approval.

Commissioner Dorworth seconded the motion.

The motion passed by unanimous consent. (7 – 0)

E. Tuscany Island, Via Tuscany Development, LLC. / Lance Bennett; Preliminary Subdivision 5 lots approximately 4 acres zoned R-1AA; west side of Tuskawilla Road, approximately 1500 feet north of the intersection of Tuskawilla Road and SR 426.
Commissioner Maloy – BCC District 1
Michael Rumer, Planner

Mr. Rumer stated that the typical lot size will be over one half acre and that the interior road will be privately maintained. A waiver to the Land Development Code requiring sidewalks on both sides of the road has been requested. Mr. Rumer stated that staff recommendation was for approval.

There were no questions from the Board.

Commissioner Harris made a motion to recommend approval of the request.

Commissioner Dorworth seconded the motion.

The motion passed by unanimous consent. (7 – 0)

PUBLIC HEARING ITEMS:

F. Lake Boulevard/Casa Verde Rezone; Meredith Pickens/Shutts & Bowen, applicant; Small Scale Land Use Amendment from Low Density Residential and to Planned Development and rezoning from PUD (Planned Unit Development) to PCD (Planned Commercial Development District) on approximately 2 acres; rezoning from A-1 to PCD (Planned Commercial Development District), on approximately 0.78 acres; and rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) on approximately 416.9 acres; and amendment to the Chase Grove PUD Final Master Plan and Commitments, Classification and District Description for the Chase Groves PUD (Z2003-029)

Commissioner McLain – District 5
Tony Matthews, Principal Planner

This item was requested to be rescheduled to the October 1, 2003 meeting.

Commissioner Mahoney made a motion to reschedule this item to the October 1, 2003 meeting.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent. (7 – 0)

G. Hunter's Landing PUD/Amsouth Bank; Interplan LLC; applicant; approximately 1.45 acres; rezoning from Planned Unit Development (PUD) to Planned Unit Development (PUD) and amendment to the Hunter's Landing PUD Final Master Plan, located at the northwest corner of SR 434 (Alafaya Tail) and McCulloch Road, extending approximately 0.4 mile north along SR 434 (Z2003-34).

Commissioner Maloy – District 1
Tony Matthews, Principal Planner

Commissioner Mahoney made a motion to reschedule the item to the November 5, 2003 meeting.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent.

H. Gasse Jack's PCD; Madden Engineering, Inc / Michael Myers, applicant; Major Revision to PCD (Planned Commercial Development

District) Master Plan and Developer's Commitment Agreement for outdoor sound amplification at a restaurant on 3.61 acres; located on the northwest corner of SR 46 and N. Elder Road (Z1988-069)
Commissioner McLain – District 5
Jeff Hopper, Senior Planner

Mr. Hopper said that the applicant, Michael Myers, is requesting to revise the Myers Commercial and Office Park PCD Preliminary Master Plan, also known as "Gassey Jack's," in order to permit outdoor sound amplification at a 26,000 square foot restaurant. The site is approximately 3.61 acres in size and is designated as High Intensity Planned Development (HIP) under the Vision 2020 Plan. The PCD was originally approved in 1991 for retail, office and storage uses, and amended in January 2003 to permit a restaurant. The approved site plan for the facility shows approximately 26,000 square feet of building area, including enclosed floor area and open patio area. Included within this total is a stage 569 square feet in size, adjacent to an open courtyard of approximately 1,700 square feet.

This stage and courtyard area is the location of the applicant's proposal for outdoor musical performances, using sound amplification, as a supporting use to the restaurant. Proposed operating hours for this use would be 10 a.m. – 2 a.m. Monday through Saturday, and 10 a.m. – midnight on Sunday. Information supplied by the applicant indicates that the courtyard area would be enclosed on three sides by the restaurant building. The open fourth side would face east toward Elder Road.

Of primary concern is the potential of this proposal to disturb the occupants of any nearby residential properties. As the subject property and most surrounding properties are in the HIP land use designation, residential uses are not common in the area. However, they are present within a few hundred feet of the site.

Mr. Hopper said that the HIP future land use designation visualizes commercial and light industrial uses for the general vicinity of this restaurant. Staff believes that, subject to specified hours and a noise limit of 70 decibels, the proposal is reasonable and consistent with expected patterns of development in this area.

Mr. Hopper concluded with the specifics of the staff recommendation: approval of the requested PCD Major Amendment subject to the following conditions:

1. Live music with outdoor amplification shall be permitted only as an accessory to the permitted restaurant use.

2. Outdoor sources of amplified sound shall be enclosed by a building on at least three (3) sides and meet the following setbacks:

- North 250 feet
- East 180 feet
- South 220 feet
- West 50 feet

3. Operating hours shall be limited to:
10:00 a.m. – midnight Friday and Saturday
10:00 a.m. – 10 p.m. Sunday – Thursday

4. Sound levels shall not exceed 70 decibels as measured at the nearest property line.

5. Any expansion or relocation of this use shall require approval of the Board of County Commissioners.

Mike Myers stated that he has owned the property since 1987 and had it rezoned in 1991. He is using a 1930's restaurant theme. The site retains the trees. He owns the acre to the north. The back of BJ's Wholesale Club with a 35 foot high wall is backing up to this site. His business is not a franchise. It has a 50 foot front setback and parking to the rear. The courtyard will be rented out for corporate use.

He has concerns about the hours of operation. 40,000 cars are going by the area daily. He also questions the 70 decibel limitation. BJ's air conditioners emit 120 decibels. As for the proximity of residences: the apartments are 800 feet away. Small houses in the area now are likely to be removed. He wants a local, community bar/restaurant there. The focus is on hospitality. Most restaurants close at 10 P.M. That is too early for this business. He would like to have 12 – 1 A.M. on weekdays and on weekends until 2 A.M.

Mr. Myers concluded with a request for change in the hours of operation and the raising of the decibel level.

Commissioner Harris asked if Mr. Myers had a problem with the setbacks.

Mr. Myers said he would have no problem. All entertainment would be on the stage.

Commissioner Dorworth asked what decibel level would be agreeable to the applicant.

Mr. Myers said that 80 to 90 would be good.

Commissioner Tucker said that 60 to 70 decibels was normal conversational level.

John Mosler spoke representing the PUD property owner immediately to the west. His concern was the noise level.

Commissioner Tucker said that 80 to 90 range was that of a factory.

Mr. Hopper pointed out that sound levels do not increase in a linear fashion, but rather logarithmically.

Mr. Mosler was concerned because the property in his PUD had not been developed. He was concerned about the noise being contained.

Commissioner Tucker said that there was a noise ordinance in the County.

Mr. Myers said that in the afternoon there would be light jazz. This area is a small area. Neighbor's complaints will be addressed immediately. Noise drops off 10% per 10 feet. The outside of the buildings is acoustical wood.

Commissioner Harris made a motion to recommend approval with staff recommendations 1 and 2, but with the revision to number 3 eliminating the opening hours; closing hours of 2 A.M. on Friday and Saturday nights and 1 A.M. on Sunday through Thursday evenings. Criteria 4 to be modified to read: Decibel level at property line not to exceed 85 decibels. Eliminate recommendation number 5 completely.

Commissioner Dorworth seconded the motion.

There was no discussion.

The motion passed unanimously.

I. Shangri-La Lane Rezone; Acorn Development Co / Sandra Bierly, applicant; 27.66 acres; Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District); located approximately 300 feet south of SR 434, 0.8 mile east of SR 417 (Z2003-030).
Commissioner Morris – District 2
Jeff Hopper, Senior Planner

Mr. Hopper said that the applicant, Sandra Bierly, requests approval of R-1A zoning on a 28-acre site located south and west of SR 434. Located in the Low Density Residential (LDR) future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA.

Mr. Hopper said that the analysis evaluates appropriate zoning for a given parcel on the basis of existing zoning on surrounding properties within 660 feet. The calculations assign differing weights to the various districts according to permitted development intensities within those districts. For example, the R-1A district, with a minimum lot size of 9,000 square feet, has a weight factor of 8,

while R-1AAAA, requiring half-acre lots, has a weight factor of 5. Properties zoned for Agriculture (A-1) receive a base weight of 4, but additional points can be assigned where water, sewer, and paved roads are available, for a maximum of 7.

Weighting factors, together with the acreage of each zone within the 660-foot radius, determine the “compatible” zoning for the subject property. The majority of the analysis area adjoining this request is A-1, with several adjoining properties located in the cities of Winter Springs and Oviedo. The analysis yielded a weight rating of 7.42, which corresponds to the R-1AA district, with a minimum lot size requirement of 11,700 square feet. The requested R-1A would permit lots of 9,000 square feet in size.

The subject property lies in an area of transition from rural densities to more suburban forms of development, including neighborhood commercial and recreational uses. While the overall trend is toward higher density and intensity of development, no clear pattern has emerged to support a request of R-1A at this particular location. Nearby developments such as Barrington Estates to the north in the City of Winter Springs, and MacKinley’s Mill to the west in Oviedo, are equivalent in density to R-1A. However, Laurel Oaks, located in Oviedo to the east, has a significantly lower density comparable to R-1AAA. In the lot compatibility analysis prepared by staff, a large amount of A-1 property adjacent to the site had a downward influence on density, which was counterbalanced by a church and a golf driving range to the south, with higher intensity ratings. Staff concluded that the recommendation of R-1AA produced by the compatibility calculation is probably the most appropriate reflection of development trends in the vicinity.

A review of existing land uses included:

	Zoning	Future Land Use	Existing Land Use
North	A-1	LDR	SF / vacant
South	A-1 / CITY	LDR / CITY	golf range / church / vacant
East	CITY	CITY	SF
West	A-1 / CITY	LDR / CITY	SF / vacant

In conclusion, Mr. Hopper said that based on an analysis of surrounding densities and intensities, staff recommends denial of the requested R-1A classification. R-1AA should be considered as a more appropriate alternative.

Michele Tanner, representing Ms. Bierly stated that the applicant will accept the R-1AA zoning.

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

Dan Beistel of 460 Madison Lane, Oviedo, owns the property next door to this. He is concerned about drainage in the area being restricted. He was also concerned about open access to his property.

John Johnson of 1290 Shangri La Lane was concerned about the trees being taken off of the site and the drainage issues in the area. He showed pictures of the trees that had been removed so far.

John Frost of 1125 Shangri La Lane said that the drainage in the area had changed since the church on the corner had been built. He owns 5 acres to the south of the site. The 2 back acres of his parcel are under water and flooding all of the time.

Tom Ferguson owns the parcel to the north of the site. He gave a 20 foot easement to a small interior lot. He said that there was a drainage ditch between lots. The water table in this area is high. Larger lots are better for drainage. Susan Carroll has lived in the area since 1966. She is not opposed.

Carl Cahill had concerns with stormwater retention. The community to the east will be houses of 400,000 dollars.

The public hearing was now closed.

Commissioner Mahoney said that the applicant has agreed with staff recommendations. He made a motion to recommend approval of the R-1AA zoning as per the staff report.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous consent. (7-0)

J. Monroe Commerce Center South – Phase 2; Small Bay Partners, LLC. / Howard Schiefer-Decker, applicant; approximately 4.25 acres; rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) southeast corner of Church Street and N. Elder Street. (Z2003-033)
Commissioner Maloy – District 1
Jeff Hopper, Senior Planner

Mr. Hopper said that the applicant is requesting approval of a PCD (Planned Commercial Development) consisting of 56,000 square feet of floor area on a 4.25 acre site. The proposal consists of 3 buildings ranging in size from 17,120 to 21,600 square feet. According to the applicant, use of the property will be limited to multi-tenant offices and warehouses, and an outdoor storage area. Storage bays would not be used for retail or service businesses with high rates of traffic generation. Staff believes that the request is compatible with surrounding development. The subject property is located in the Higher-Intensity Planned

Development (HIP) land use designation, as are adjoining properties to the north, south and east. Industrial land use lies across Elder Road to the west. The proposed project is similar to the applicant's previously approved project on adjacent property to the east. The first phase of Monroe Commerce Center South received Final Master Plan approval in June 2002 and is now under construction.

As is common in office/warehouse developments, adequate parking is an issue with the proposed project. It is not clear at the planning stage how much of the total project floor area will be used for office and how much will be used for warehousing purposes. Because office uses and storage uses have significantly different parking requirements, there is a wide range of possibilities as to how much actual demand there will be for parking on the site.

If the site were entirely in office use, the Code would require 224 spaces. If entirely warehouse, the requirement would be 56 plus 1 per 2 employees. Since the end product will be a combination of the two uses, it is necessary to create development criteria that limit office use to a proportion that meets Code based on the 111 parking spaces proposed on the site plan.

The applicant proposes a maximum of 20% office space. Based on that limitation, required parking would be as follows:

11,200 s.f. office space	45 spaces
44,800 s.f. warehouse	45 spaces
24 warehouse employees *	12 spaces
TOTAL	102 spaces
*estimated by applicant	

Although the number of spaces noted on the site plan appears to exceed the Code requirement, this is not necessarily the case. Only 79 spaces are actually shown on the plan (the total of 111 is noted in the project data table). Under the applicant's proposal, the balance of required parking would be comprised of clear areas adjacent to bay doors. Collectively, these areas are large enough to provide the balance of the required parking, but the applicant also proposes to use them as bay door access for trucks and other large vehicles. Under such conditions, these dual-use areas may not be available for ordinary parking purposes. Without special criteria imposed through the PCD approval, up to 23 required parking spaces could be lost.

To address this problem, staff recommends that parking adjacent to bay doors be permitted with the following stipulations, to be included in the development order:

1. Parking spaces adjacent to bay doors should be striped, with a minimum depth of 20 feet;
2. Minimum width of spaces should be equal to the width of the doors themselves, but in no case less than 10 feet; and
3. Access to the site by semi-trucks and other vehicles too large to use ordinary parking spaces should be restricted. (The site plan notes that large trucks with trailers will use Monroe Commerce Center North on the opposite side of Church Street.)

The site contains adequate room for 39 such parking spaces, while only 23 are needed to comply with the Code. The remaining bay door approach areas could be left undesignated for flexibility in meeting the needs of individual tenants.

Mr. Hopper said staff recommends approval of the request subject to the following conditions:

- a. Permitted uses are limited to office, warehouse, assembling, light manufacturing, wholesale showrooms, and auto detailing as described herein. Detailing of vehicles, including truck bed liner installation, window tinting, pin striping, and similar activities not constituting auto repair shall be permitted as determined appropriate by the Planning Manager.
- b. Office uses shall be limited to 20 percent of floor area for the development.
- c. Prohibited uses are mini-storage, retail, outdoor advertising, and on-site repair of vehicles.
- d. Storage bays shall not be used for retail uses involving on-site customer contact.
- e. Parking spaces adjacent to bay doors shall be permitted subject to the following conditions:
 1. No less than 23 such spaces shall be provided, or additional spaces as needed to meet Land Development Code parking requirements for the entire site.
 2. All required spaces shall be striped.
 3. Minimum dimensions shall be 20 feet in depth. Width of spaces shall be equal to that of adjoining bay door(s), but in no case less than 10 feet.
 4. Semi-trucks and other vehicles exceeding 20 feet in length shall not use regular parking areas between 7 a.m. and 7 p.m. on weekdays.
- f. Pedestrian connections shall be provided between interior walkways and public sidewalks along Church Street and North Elder Road.
- g. At the time of Final Master Plan approval, additional right-of-way shall be dedicated along Church Street sufficient to provide a 35-foot half right-of-way.
- h. Lighting shall consist of cut-off/shoe box style fixtures.
- i. Outdoor storage shall be limited to the designated outdoor storage area and shall be used only by tenants of the development.

j. The outdoor storage area shall be landscaped to the north, south and east with plantings providing 75% screening to a height of 3 feet. Along these sides, required plantings shall include 1 canopy tree per 25 linear feet, and further screening shall be provided using a 6-foot chain link fence with vinyl slats.

John Herbert of 200 N. Moss Road, Winter Springs, said that this is Phase 3 of an existing development.

No one spoke from the audience on this item.

Commissioner Mahoney made a motion to recommend approval of the rezoning to PCD as per the conditions in the staff report.

Commissioner Harris seconded the motion.

The motion passed by unanimous consent. (7-0)

K. Bear Lake Subdivision / Hugh W. Harling, applicant; approximately 5.4 acres. Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); and Rezone from R-1A and R-1AA (Single Family Dwelling District) to R-1BB (Single Family Dwelling district); east side of Bear Lake Road, approximately 1.8 miles south of SR 436. (Z2003-027, 09-03SS.07)

Commissioner Van Der Weide - District 3
Jeff Hopper, Senior Planner

Jeff Hopper stated that the applicant requests approval of R-1BB zoning and a Medium Density Residential (MDR) future land use designation on a 5.4 acre site between Bear Lake Road and the City of Altamonte Springs. Proposed development is single family residential, with a minimum lot size of 5,000 square feet. This request would introduce development at densities exceeding 5 units per acre into an area that is now characterized by development in the range of 3-3.5 units per acre. Mr. Hopper stated that the staff recommendation was for approval of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.

Commissioner Mahoney read the statement from Dianne Kramer regarding the proposed development and its impact on the area schools. Ms. Kramer noted that the impact should be minimal, but also stated that this development will be in the attendance area of the County's largest school: Bear Lake Elementary. The

district is trying to obtain another school site in the area. Currently the school is over capacity by almost 200 students.

Hugh Harling spoke on behalf of Bob Hattaway, property owner. Mr. Harling reviewed the location of the property using an aerial photo of the neighborhood. He said that there was a CVS drugstore and a 7-11 nearby. This is an infill property. The railroad running by the property is an active railroad. He requested Medium Density Residential land use, capping at 4.8 units per acre. This project will have a single entrance. A retention pond will be located near the entrance. Water and sewer will be from Altamonte Springs. Mr. Harling requested R-1BB zoning on both sides of the street. Mr. Harling added that Mr. Hattaway owns a lot located on the western boundary of the site. This was the only lot to be directly impacted by the project. This neighborhood will provide a transition between the railroad and the houses to the north.

Bob Hattaway stated that he owns the proposed site and some adjacent property as well. This request is different from the previous request made on this site. He has purchased land to expand the site. Steve Atkins, an adjacent property owner, has no objections to the request. Mr. Hattaway said that he plans to have \$200,000.00 homes here.

Kyle Jensen of 9443 Bear Lake Road said that he is in favor of the request. He had opposed commercial development here. Mr. Jensen is a registered architect. He was primarily concerned about how the buffering would be handled along Bear Lake Road on one lot.

Commissioner Tucker stated that there were about a dozen forms stating opposition to the project. The signers did not wish to speak, but wanted to register protest.

Speaking next was Wayne Waters of 9261 Beaver Cove in the Bear Lake Woods subdivision across from this proposed site. He stated that his neighborhood is R-1A zoning in the \$250,000.00 price range. He pointed out that if they are only putting 4.8 units per acre, the property did not need to be rezoned with lot sizes of 9,000 square feet. He was concerned with the other types of residences that could go in there besides traditional single family residences. He asked that the property be zoned R-1A or R-1AA.

Robert Smith of 5292 Pine View Way lives 200 feet north of the property under consideration. He has a 12,000 square foot lot. Most of the properties north of his could be R-1AAA with 13,000 square foot lots. Mr. Smith said that the current zoning of the property is serving as an appropriate transition buffer between zonings. The requested change is incompatible. Will there be a buffer between the CSX tracks and the lots? He was also concerned with traffic and the impact on children in the area. Mr. Smith requested denial.

Debbie Jensen of 9442 Bear Lake Road objected to this application. She felt that this project could become 56 homes instead of the proposed 22 homes. She wants to keep the R-1A zoning.

Lisa Ritz of 5350 Don Mar Street said that she objects to this project. It will generate traffic and further overcrowd the schools. Adell Park residents object. Flooding is a concern here. Storm water abatement systems must be put in the area for current homes, before development.

Debbie Goad of Balmy Beach Drive said that traffic is a nightmare in the area now. The problem is cut through traffic. All roads are 2-laned now and cannot be expanded. There are many accidents in the area due to speeding. More development will only make things worse.

Margarite Webb said that she owns the property adjacent to the proposed site. She is opposed. The current zoning gives good house sizes and anything less will devalue the area.

Stan Atkins of 9430 W. Paulindo Road said he had agreed to single family residences, but had never agreed to a change of zoning. He stated that his neighbor Lois Bailey also objects. He wants consistency in zoning.

Chairman Tucker stated for the record that he had received a petition objecting to the rezoning.

Steve Bell of 6084 Jessica in Apopka said that he is opposed to the rezoning. He is skeptical of the traffic impacts. He asked about the possibility of traffic increasing by up to 500 cars per day. Mr. Bell said that the developer could put in whatever he wanted here, up to 10 houses per acre.

Mr. Harling spoke about density. The land use of Medium Density allows up to 10 units per acre, but the zoning tops it off at 4.8 units. Also, smaller lots do not mean smaller houses. Mr. Hattaway has said the houses would be from between \$200,00.00 and \$250,000.00.

Mr. Harling repeated that the water and sewer was coming from the City of Altamonte. As for traffic, estimates of 200 extra trips per day are anticipated. The bulk of the traffic will go to Maitland Boulevard. In response to Mr. Jensen's comments Mr. Harling said that he will have a 10 foot landscape buffer and a wall, not a wood fence, facing Bear Lake Road.

The public hearing was now closed.

Commissioner Mahoney asked Jeff Hopper about the minimum house size in R-1B or R-1BB.

Mr. Hopper said that minimum was 700 square feet.

Mr. Harling then committed to a minimum house size of 2,200 square feet with a yield cap of 4.5 units per acre. He also stated that there would be a landscape easement and wall system on the lot facing Bear Lake Road. There would be no wooden fence used.

Commissioner Mahoney made a motion to recommend approval of the requested MDR land use as recommended in the staff report, along with the minimum house size of 2,200 square feet, yielding 4.5 units per acre; also including the provision of a landscape easement and wall system for the lot facing Bear Lake Road (with no wooden fence used).

Commissioner Peltz seconded the motion.

In discussion Commissioner Mahoney noted that compatibility does not go in only one direction. This project is next to a railroad track.

Commissioner Hattaway removed herself from the voting, stating that Mr. Hattaway was a family member.

Commissioner Harris said that Mr. Bell was concerned about commitments. A Developer's Commitment Agreement runs with the land. The Commissioner pointed out that Mr. Hattaway had made many quality projects in the county and that he kept his word when he made commitments.

Commissioner Mahoney stated that commitments are recorded.

The motion passed by an unanimous vote of 6 – 0. Commissioner Hattaway did not vote on this item.

L. Pacific Atlantic; Cayetano R. & Cristeta M. Cruzada, applicants; approximately 0.27 acre; Rezone from A-1 (Agriculture) to RP (Residential Professional); east side of Tuskawilla Road, 650 feet north of Dike Road (Z2002-029).

Commissioner Maloy - District 1
Jeff Hopper, Senior Planner

Commissioner Mahoney made a motion to continue this item to the October 1, 2003 meeting.

Commissioner Peltz seconded the motion.

The motion passed unanimously.

VII. PLANNING MANAGER'S REPORT

VIII. OTHER BUSINESS

Discussion of Land Development Code will be held at a future meeting.

IX. ADJOURNMENT

Having no further business, the meeting adjourned at 8:55 P.M.