IV.

APPROVAL OF MINUTES

Minutes for the Seminole County
LPA/P&Z Commission
November 5, 2003

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

Members absent: Beth Hattaway

Also present: Mike Rumer, Planner
Denny Gibbs, Planner
Tony Matthews, Principal Planner
Tina Deater, Senior Planner
Tony Walter, Assistant Planner Manager
Karen Consalo, Deputy County Attorney
Matt West, Planning Manager
Jim Potter, Senior Engineer
Candace Lindlaw-Hudson, Senior Staff Assistant

The Vice-Chairman called the meeting to order in the absence of the Chairman. A quorum was established and it was stated that Commissioner Tucker would be arriving later in the meeting.

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

Commissioner Bates seconded the motion.

The motion passed unanimously.

The minutes were unanimously approved as presented.

A. Nikki Farms Estates PSP; Nikki Farms LC. / Debra Hagen or Terry Hagen; 11 Lots, Approximately 19.61 acres; Preliminary Subdivision Plan Approval; Single-Family Homes; 1200 Lake Markham Rd. (01-5500014)

Commissioner McLain – District 5
Michael Rumer, Planner

Mr. Rumer stated that Bob Ellis, property owner, is requesting approval of a two-year extension to the Preliminary Subdivision Plan for the Nikki Farm Estates. Section 35.13 of the Land Development Code requires a final plat to be submitted within two years of PSP approval or the approval expires. A final plat was not submitted by the applicant within the two year period. This project was

originally approved by the P&Z Commission on October 3, 2001. The project consists of 11 lots on approximately 19.6 +/- acres and is zoned A-1, which allows 1 acre (43,560 square feet) lot sizes. Minimum lot width at the building line is 150 feet and the minimum house size is 2,000 square feet. Each proposed lot has a minimum of 1 acre of buildable area. Staff has reviewed the PSP and finds that it meets the applicable requirements of the Land Development Code. Mr. Rumer stated that the staff recommendation is for approval of the two-year extension of the PSP for the Nikki Farm Estates subdivision.

Commissioner Mahoney asked if there were any variances on the property.

Mr. Rumer said there were not.

Commissioner Peltz made a motion to approve the extension of the PSP as requested.

Commissioner Harris seconded the motion.

The motion passed by unanimous consent, 5 – 0.

Unscheduled item:

Talman Mews; Harling, Lochlin, Inc., applicants; approximately 5.1 acres; Preliminary Subdivision Plan for an 8 lot subdivision.(03-05500035)

Commissioner Maloy - District 1
Denny Gibbs, Planner

Ms. Gibbs stated that the applicant, Harling Locklin, Inc., is requesting approval of an 8 lot Preliminary Subdivision Plan for Talman Mews. Talman Mews is located on Gabriella Lane west of Tuskawilla Road.

The property is approximately 5.1 acres. The majority of the property is zoned R1-AAA and a portion at the front is zoned R1-AAAA. R1-AAA requires a minimum lot area of 13,500 sq. ft and R1-AAAA requires a minimum lot area of 21,780 sq. ft. The minimum house size required is 1,600 square feet. The lots will be on septic and water is being provided by Seminole County. The road will be private. Sidewalks will be provided along Gabriella Lane and on both sides of the internal street, except along Lots 1, 2 and 3 where it will be only on the west side of the right-of-way. Staff recommendation is for approval of the PSP.

Commissioner Tucker now entered the meeting.

B. W. 6th Street Chuluota Rezone; Gayle Marion, applicant; approximately 0.21 acre; rezone from R-3 to R-2; located on the south side of W. 6th Street, west of CR 419, Chuluota (Z2003-044).

Commissioner Maloy – District 1
Tina Deater, Senior Planner

Ms. Deater stated that the applicant, Gayle Marion, requests R-2 zoning for approximately 0.21 acres located on the south side W. 6th Street, west of CR 419, for a duplex. The subject property has an R-3 zoning classification. The land use for the property is HDR (High Density Residential) which allows the proposed R-2 zoning classification. Staff visited the site and found several duplexes in the neighborhood. Staff recommends approval of the requested R-2 zoning classification.

Gayle Marion showed a diagram of the neighborhood around the site of the application and some photographs as well. She stated that there were several duplex homes and a triplex in the neighborhood.

No one spoke from the audience on the request.

Commissioner Harris made a motion to recommend approval of the item as requested.

Commissioner Bates seconded the motion.

The motion passed unanimously (6 – 0).

C. Hunter's Landing PUD / AmSouth Bank; Interplan LLC, applicant; approximately 1.5 acres (AmSouth Bank parcel); rezoning from Planned Unit Development (PUD) to Planned Unit Development (PUD), amendment to the PUD Commitments, Classification and District Description and PUD Final Master Plan for the Hunter's Landing PUD (approximately 56 acres), to allow an access driveway onto McCulloch Road for the proposed AmSouth Bank Parcel, PUD located at the northwest corner of SR 434 (Alafaya Tail) and McCulloch Road, extending approximately 0.4 mile north along the west side of SR 434 (Z2003-34).

Commissioner Maloy – District 1.
Tony Matthews, Principal Planner

This item was withdrawn from consideration. No action was taken.

D. Orange Mall; Orange Mall Partners LLC/Constance Owens, applicant; approximately 18.3 acres; rezone from C-2 (Commercial) to PCD (Planned Commercial Development); located in the Fern Park Shopping Center abutting US 17-92, south of Fernwood Boulevard. (Z2003-040)

Commissioner Henley - District 4

Tony Walter, Principal Planner

Tony Walter presented the background information from his staff report. The site is a former K-Mart store, which will be converted to an indoor flea market and antique mall. Commercial zoning surrounds the store. Areas of staff concern for this project included the deficiency in open space requirements that called for 25 % open space. This project has allotted 21.07% for open space. In addition, parking requirements call for 3 spaces per booth. The applicant has allotted 2 parking spaces per booth. The traffic level of service will increase with the increase in generated trips. Mr. Walter stated that staff could not recommend approval due to insufficiency of parking and open space.

Commissioner Tucker asked Mr. Walter if the K-Mart were to come back, would he recommend approval.

Mr. Walter said he would.

Commissioner Harris stated that the Board is looking at a redevelopment. This requires a change to PCD. He asked what was to be gained by denying this request based on a parcel that is insufficient anyway.

Mr. Walter stated that the open space is being improved, but is still insufficient.

Commissioner Harris asked if Mr. Walter would recommend approval if he could.

Mr. Walter said that he would if the Code allowed it.

Commissioner Bates asked what about the basis for the 25% open space requirement.

Mr. Walter stated that PCDs are intense uses. The Code requires additional open space to preserve the quality of life nearby.

Matt West stated that in December Seminole County adopted the "fast track" ordinance that requires 25% open space. The only way to add here is to increase a grass area. If you want to rezone to PCD you must meet all criteria.

Commissioner Tucker asked if the old garden center area was included in the open space.

Mr. Walter said it was not counted as open space.

Commissioner Bates asked for a review of how the parking requirements were calculated.

Mr. Walter stated that parking calculation for flea markets provide 1 space per booth. Flea World has 2 to 2.25 spaces per booth. Mr. Walter said that research agreed with the Flea World ratio of 2.25 parking spaces per booth.

Commissioner Tucker pointed out that Flea World includes entertainment elements.

Tommy Boroughs, Esq., spoke on behalf of the applicant. He stated that the property has been vacant since 1995. This will be like a mini-mall, completely enclosed. It will operate 7 days per week. He agrees to rent to tenants who will sell only new merchandise or bona fide antiques.

The two area of disagreement include parking criteria and open space requirements. 682 spaces are proposed for the maximum of 341 stalls. The applicant is proposing 316 more spaces than would be required for normal retail commercial development of the site. Proposed is 2 spaces per stall. A study of area flea market parking areas averaged at 2. Flea World has 2.35 spaces, but it is different from this operation.
Open space requirements focus on two issues. This building is already developed. We are coming to within 4 percent of what is required. That is very good for what is proposed. Section 30.461 was quoted stating that flexible interpretations were allowed. If this were in "conventional commercial zoning" a 25 % ratio will be required. This is not conventional zoning.

Karen Consalo quoted the open space requirement that is inflexible in PCD zoning.

Commissioner Tucker asked what the 25 % was taken from.

Mr. Boroughs said that it was 25% of the gross site.

The other problem was operating hours. The applicant would like to remain open during holiday shopping time until 9:00 P.M.

Mr. Boroughs asked to see the language in the Code that said that the open space requirement of 25% cannot be waived. He summarized by saying that the applicant is looking for the best use of the site. It will improve the parking lot, lighting and general appearance of the site. It will be a win-win for everyone. It will be a small business opportunity and employment opportunity. Traffic will not be worse. Security will be better. There is a large strip of C-2 zoning between this site and any nearby residential zoning.

Commissioner Bates asked how many spaces were there now.

Mr. Boroughs said less than for this project. 366 are required for the old use.

Commissioner Tucker asked what the K-Mart hours of operation were.

Mr. Boroughs said that the K-Mart was open from 9:00 A.M. to 9:30 P.M.

Commissioner Tucker asked if the exit onto Fernwood is part of the PCD.

Mr. Boroughs said that it was.

Commissioner Tucker asked if there were any left turns allowed onto Highway 17-92 between the Raceway and the auto parts store.

Mr. Boroughs said there were not.

Commissioner Tucker asked how retail sales would be conducted.

Charles Masai, an agent for the owner and property manager, stated that each booth will make a record separately, and report monthly.

Karen Consalo stated that the Board of County Commissioners has final authority over interpretation of the Code. This may help with deliberation of the Board.

Mr. West stated that other factors such as parking ratios and setbacks are negotiable. It is not a good trend to start deviating from the 25% requirement.

Commissioner Harris asked if there was anything written in the Code pertaining to redeveloping rather than new development.

Mr. West stated that we must shift the focus of the Code to infill and redevelopment.

Commissioner Mahoney stated that the Code cannot be written to pertain to every instance. Sometimes it must be interpreted.

John Wall said that he owns "Best Used Books" nearby the site. He is looking forward to the redevelopment. His customers were excited to hear about this project. Local businesses will benefit from this. He would like to see an internal driving hook up to other businesses through a main entrance that would link to the adjacent commercial development.

Stan Besmer from English Estates in Fern Park stated that he was opposed. He is trying to upgrade Fern Park. A flea market was proposed last November. He called Code Enforcement when spaces were being rented without a zoning change. This is not a best use of this area. Public opinion of people in the area is against this. 4 area home owners associations are opposed. The old Red Barn flea market was closed.

Mr. Boroughs stated that the owner is now handling the property. The incident Mr. Besmer was referring to pertained to someone else who was renting the building before. Mr. Boroughs requested a short break to confer with staff.

The meeting was recessed for a short break at this time.

After reconvening, Mr. Walter stated that staff believes that the applicant can meet the criteria if the parking is reduced to 2, the 25% open space requirement can be met. Hours of operation 9 – 9:30 during holiday hours are all right.

Commissioner Peltz asked why the hours should be restricted at all.

Commissioner Mahoney agreed. Why should the hours be later only during holidays?

Mr. Walter stated that staff would not object to that.

The public hearing was now closed.

Commissioner Mahoney stated that the Land Development Code has high standards. Reasonable interpretation must be made. One of the times for this is with redevelopment. This site is an eyesore. The County needs to promote the redevelopment and encourage commerce.

Commissioner Mahoney made a motion to recommend approval subject to inclusion of a waiver of the parking requirement to 2 spaces per booth, with hours of operation until 9:00 P.M., along with the other staff recommendations.

Commissioner Peltz seconded the motion.

Commissioner Harris stated that the Code is designed for open parcels, not developed. Restrictions are good for new development. As infill progresses, we must change to encourage investment. The 25% ratio must not be viewed as hard and fast. If it takes a change in the Code to encourage redevelopment, let us make the change. This will bring jobs and economic development.

The motion passed by a vote of 6 – 0.

E. **Myrtle Street Special Area Concept Study – Phase III**; County Staff is conducting a planning study to prepare an implementation plan for Area 1 located in the Myrtle Street Study Area. Sub-Area 1 consists of approximately 621 acres in the southwestern portion of the Myrtle Street Study Area.

Commissioner McLain – District 5
Tony Walter, Principal Planner

Tony Walter stated that he is briefing the Board on the status of the study. He is seeking input tonight. He will come back in December for recommendation. The current status is to identify the needs and to include focus groups, an oversight group, and the St. Johns River Water Management group.

Mr. Walter said that with increased densities, the Future Land Use map may have to be changed.

Storm water cost to the Lake Jessup Basin is being readjusted to 1.7 Million dollars.

Roadway costs to Sub Area 1 for right of way and developer improvements are between 1.6 and 2.3 million dollars.

Commissioner Mahoney asked if this meant that the improvements will be on a case by case basis.

Mr. Walter said yes.

The 2.3 Million dollars estimated cost would include curb and gutter treatments.

Commissioner Mahoney stated that the piece-meal development of a road is a terrible idea. It is unsafe and aesthetically unpleasing. We need to have a special impact fee for the area and finish the roads, or the development could drag on for 15 years in spot development. Do it all, or not do it all. If there are regional deficiencies, do it all at once.

Commissioner Tucker stated that this is the way side walks are treated now. He agreed with Commissioner Mahoney.

Mr. Walter introduced Tony Allender of Wilbur Smith, to discuss the concept of a conservation village.

Mr. Allender said that any examples given are speculative. For example, a 24 acre site in RC-1, with 5 acres of wetlands and woodland, might have an original home on it. The first step in the conservation village is to identify area of primary conservation: that part you cannot build on. Then identify secondary areas of conservation, such as an area that would protect the view of a neighbor. The design process is now down to 19 acres. 20% is removed for infrastructure. 15.2 acres is left; one house per site. Conservation techniques give density bonuses. Incentives can be given. Mandatory incentives: such as an endowment to maintain open space and primary conservation areas. Secondly, there could be a bonus for volume reduction for storm water; third, water quality,

and a last bonus for hook up to water and sewer. Bonuses could bring the density to 2.5 units per acre, which would allow 38 units on the site. There would be 9.5 acres to put houses on where they would be most marketable. There is an opportunity to take back some land from the infrastructure ratio allowed. You can recapture some of the allotted land and add it to the total. This could bring up the house total to 36 homes on the site.

Commissioner Mahoney asked about minimum lot width. A 75 X 120 foot lot of 9,000 square feet is not a small lot in today's market.

Mr. Allender stated that the minimum lot size could be lowered.

Commissioner Mahoney stated that this was a great start.

Mr. Allender said that this process asks where is the best place to put houses first, then it reconfigures the lot size.

Commissioner Mahoney said that the clustering reduces infrastructure and ponds, allowing more open space.

Commissioner Tucker asked how the density differs from the traditional density differs.

Mr. Allender said that the site would have 15 houses under traditional methods on 15.2 acres, up to 36 houses with bonuses. The design process will show impacts. Design analysis considers neighbors.

Commissioner Tucker said that this is not reducing density.

Mr. Allender agreed. There would be a give and take. How do you define rural setting?

Commissioner Mahoney asked Mr. Walter what was next.

Mr. Walter said that he would be looking for recommendation in December, with a list of items for discussion on how to implement this: further reduction in lot size, do we need a minimum lot size, do we need side yard setbacks, do we keep the 80/20 ratio?

Commissioner Tucker said that there are health and safety code issues to be considered with buildings being clusters closely.

Mr. Walter said that there could also be drainage issues. We are looking for flexibility to save trees by moving a house slightly.

Commissioner Mahoney said that the standard could be that there is no standard. Subdivisions do not all have to be alike.

Mr. Walter said that one problem issue is the problem of vehicle parking.

Another question is the open space ratio of 20 percent.

Mr. Walter said that other issues being examined included: animals allowed, placement of pools, community maintenance, structure of the local HOA, trails versus sidewalks and how they connect to adjacent sites are all under discussion. Density bonuses and incentives are being considered. The endowment, water and sewer connection, storm water volume reduction, drainage issues and water quality are all being examined. Also, multi-use trails, and public access to greenways is being examined.

Commissioner Tucker asked what the largest parcel was being looked at with this study.

Mr. Walter said that 24 acres was about the maximum size. The smaller the parcel, the harder it is.

Ann Esterson of 1235 Myrtle Street said that she owns a parcel of land that she would like to develop. The study has been going on for 2 years. There is an urban service area here. Utilities will have to be brought down Myrtle Street. This is better than septic and wells. It had been thought that a density of 2.5 per acre was necessary to make the utility installation feasible. She has an infill site that is not really rural. There are no farmers here. For 2 years she has wanted to have a quality development that is economically feasible. She disagrees with the mandatory endowment. A quality development will have a home owner association that will keep up the open spaces. They should be in charge. Her land is not environmentally sensitive.

Deborah Schafer of 1740 Brumley Road from the Sustainable Communities Advisory Council expressed appreciation for those working on the project, but it is not complete. It is a learning process. A true conservation village is a wonderful concept. No one wants cookie cutter homes. Builders and real estate agents need to think outside the box. She asked for another 60 days to finish the work of the group.

Robert Jasmine of 1153 Myrtle Street said that he has been working on this for 1.5 years. Chairman McLain asked for a steering committee. Horses and land makes the area rural. The density issue is a problem. We are at a suburban estates density now. Consultants said that the conservation village could be done on 5 acres or 5,000 acres. He asked if we are developing a neighborhood, or a PUD? Planned Neighborhood Development may be a good name for this. Once you get over 2 units per acre, you have a PUD. What is to prevent the

developers from increasing the density? We are trying to keep this from being misinterpreted. Staff is trying to maximize it at 2 units per acre. We came in with a lower density: 1.5 per acre. That will work in an LDR situation. This is good for land sensitive areas. We can get this done within 60 days, for approval in January.

Danny DeCirian of 1581 Silk Tree Circle said that he concurred with the comments. He would like a cap of 1.5 units per acre.

The public hearing was now closed.

Commissioner Mahoney stated that we should avoid anything mandatory. A mandatory endowment is no endowment. If you set the density cap too low, there is no incentive to bring water and sewer to a site. It should be at least 2 to 2.5 units of density.

Commissioner Harris said that 2 units per acre is not enough density to bring infrastructure. Common properties are routinely kept by home owner associations.

Commissioner Mahoney stated that with LDR, the conservation village is a good approach.

Mr. West stated that the endowment could become a non-incentive. It could take the area of expertise beyond that of the HOA.

Commissioner Mahoney stated that more money does not assure better management.

There being no action necessary, Mr. Walter stated that he would be returning to the Board in December.

PLANNING MANAGER'S REPORT

F. LDC Changes

Mr. West distributed a summary of the actions taken by the Board of County Commissioners on recent cases heard by the LPA/P&Z Board.

G. Sanford JPA/Celery Avenue Update

Mr. West presented an extensive report on the Joint Planning Agreement between the City of Sanford and Seminole County. He displayed a map of the Celery Avenue corridor and discussed varying density issues with the growing number of subdivisions and annexations into the City. There were subdivisions along the corridor being developed in the City with higher densities than the proposed density cap.

Mr. West said he wanted direction for the Board to take to the BCC on the 18th. Commissioner Mahoney said that there was no agreement yet.

Mr. West said that the Joint Planning Agreement (JPA) was needed along with the overlay zoning for the Spring Cycle, 2004.

Commissioner Mahoney stated that in the meantime, there would be higher densities and lower standards.

Commissioner Harris noted that this was what was stated by the LPA six months ago.

Mr. West noted that this was the fastest possible implementation.

Commissioner Tucker asked about the Agricultural Center.

Mr. West stated that the County is trying to secure a 99 year lease with the state.

Mr. West noted that currently there was no money available for storm water retention facilities on the state property.

Mr. West also said that the Land Development Code updates were being contracted to Duncan and Associates. He concluded by again asking for comments from the Board.

There being no further business, the meeting was adjourned by unanimous consent at 9:45 P.M.