

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
MAY 5, 2004
7:00 P.M.**

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

Also present: Matt West, Planning Manager, Jim Potter, Development Review Division, Tina Deater, Senior Planner, Jeff Hopper, Senior Planner, Karen Consalo, Deputy County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

I. CALL TO ORDER

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

II. ROLL CALL

A quorum was established.

Chairman Harris noted that this will be the last meeting for Thomas K. Mahoney. Chairman Harris and other members of the Commission paid tribute to Mr. Mahoney's many years of service to the County as a stalwart member and a constructive, positive force on the Land Planning Agency/Planning and Zoning Commission of Seminole County.

III. ACCEPTANCE OF PROOF OF PUBLICATION

The proof of publication was accepted unanimously.

IV. APPROVAL OF MINUTES

The minutes for the April 7, 2004 meeting were unanimously approved as submitted.

V. OLD BUSINESS

VI. NEW BUSINESS

Technical Review Item:

A. Seminole County - Joint Planning Interlocal Agreement between Seminole County, the City of Sanford and the Sanford Airport Authority relating to the Orlando Sanford International Airport. (Z2004-006)

District 5 – Commissioner McLain
Matt West, Planning Manager

Matt West presented the Joint Planning Interlocal Agreement between the City of Sanford, County and the Airport Authority. He stated that this is a land plan. Several years ago airports were allowed to opt out of a DRI (Development of Regional Impact). The DCA responded Friday that this is acceptable to opt out. This agreement will create an interlocal committee to review all land use requests to determine if an issue is compliant with local, county, and city plans. If the interlocal board finds the request inconsistent, the request will be posted and taken to the Board of County Commissioners for approval. The City of Sanford may invoke a dispute clause if necessary. This is a good compromise. Russ Gibson is here from the City of Sanford, and Larry Dale is here for the Airport.

Commissioner Bates asked how the boundary for the area was determined.

Mr. West said that most of it was inside the Lake Mary Boulevard loop.

Larry Dale stated that it was established by the FAA for properties to be brought into the Airport.

Commissioner Harris asked if all Airport lands were included.

Mr. Dale said that this included all airport lands.

Commissioner Tucker asked if this was in lieu of the DRI.

Larry Dale said that the airport was a DRI.

Commissioner Tucker said that the DCA will still have a voice.

Mr. Dale agreed.

Russ Gibson expressed his appreciation for the cooperation between all parties concerned with the development of the agreement. This item is scheduled to be heard by the Sanford City Commission on May 20.

Larry Dale stated that this agreement goes back to the 1980's and is a joint regional effort.

Commissioner Mahoney made a motion to find this request consistent with the Comprehensive Plan and to recommend approval.

Commissioner Peltz seconded the motion.

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

Public Hearing Items:

B. ETOR PUD Major Amendment /Regal Pointe Park; Design Service Group / Ronald Henson, applicant; approximately 12.03 acres; Major Amendment to the ETOR PUD (Planned Unit Development); located on the north and south sides of Sun Drive, 250 feet west of Greenwood Boulevard. (Z2004-021)

District 4 – Commissioner Henley
Jeff Hopper, Senior Planner

Mr. Hopper stated that at the request of the applicant this item is being requested for continuance to the June 2, 2004 meeting.

Commissioner Mahoney made a motion to continue this item to the June 2, 2004 meeting.

Commissioner Bates seconded the motion.

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

C. Talman Mews Phase II; Jay Barfield / Gabriella Properties, LLC., applicants; approximately 5.2 acres; rezone from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District); located 0.4 mile west of Tuskawilla Road and 660 feet north of Gabriella Lane. (Z2004-015)

District 1 – Commissioner Maloy
Jeff Hopper, Senior Planner

Mr. Hopper reviewed the location of the second phase of the Talman Mews, reviewing its compatibility with adjacent uses and densities. He stated that Lot Compatibility analysis came out for R-1A, so that R-1AAA was acceptable. Staff recommends approval.

Hugh Harling was present for the applicant.

There was no public comment.

Commissioner Mahoney made a motion to recommend approval with staff recommendations.

Commissioner Bates seconded the motion.

The motion passed with unanimous approval (7 – 0).

D. Fogarty Land Use Amendment; Ron and Carmen Fogarty, applicants; 9.8 acres; Small Scale Land Use Amendment from Recreation to Suburban Estates

(SE); located on the north side of SR 46, 0.2 mile west of Longwood-Markham Road. (05-04SS.01) (Z2004-017)

District 5 - Commissioner McLain
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is trying to sell the subject property. The Future Land Use designation on this parcel is REC – Recreation. This is not appropriate for this parcel. It is a mapping error. The Suburban Estates designation is appropriate here. This designation allows 4 units per acre, and is consistent with the Wekiva River Development Standards.

Mr. Hopper said that staff is currently identifying other parcels for an administrative amendment.

Matt West stated that the applicant is not being charged for this amendment.

There was no public input on this item.

Commissioner Peltz made a motion to recommend approval of the request according to staff findings.

Commissioner Bates seconded the motion.

The motion passed unanimously (7 – 0).

E. Lake Forest Rezone, Small Scale Land Use Amendment and PUD Major Amendment; Miranda F. Fitzgerald, applicant; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) and Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) on approximately 2 acres located northeast of the intersection of SR 46 and Henderson Lane; major amendment to the existing Lake Forest PUD (approximately 538.3 acres bounded by Orange Boulevard, SR 46, and Oregon Street) to include the 2-acre parcel. (Z2004-011 and 02-04SS.01)

District 5 - Commissioner McLain
Tina Deater, Senior Planner

Ms. Deater reviewed the request to rezone the 2 acre parcel to PUD (Planned Unit Development) saying that it would be incorporated into an already existing PUD. The request complies with the Vision 2020 Plan and the Land Development Code. Staff recommendation is for approval.

Miranda Fitzgerald of Lowndes, Drosdick law firm represented the applicant. She stated that this application would spread already conferred entitlements to this parcel.

There were no public comments.

Commissioner Mahoney asked how the parcels will be accessed.

Ms. Fitzgerald stated that the property would be accessed internally, from the existing subdivision.

Commissioner Bates made a motion to recommend approval subject to staff recommendations.

Commissioner Mahoney seconded the motion.

The motion passed unanimously (7 – 0).

F. Tuskawilla Middle School Rezone; Dianne L. Kramer, applicant; approximately 19.16 acres; rezone from A-1 (Agriculture District) to PLI (Public Lands and Institutions District) to allow for the expansion of an existing middle school; located on the east side of Tuskawilla Road, approximately 330 feet north of Misty Way. (Z2004-024).

District 1 - Commissioner Maloy
Tina Deater, Senior Planner

Tina Deater stated that the School Board is expanding the size of the school. This rezone will permit it to expand without coming back for individual permissions to modify the school plan. Ms. Deater stated that the staff recommendation was for approval since it is compatible with the neighborhood.

Commissioner Harris read the comments of Dianne Kramer, representing the School Board. Ms. Kramer stated that the rezone was necessary to expedite matters with the school.

Phillip Hill, who lives adjacent to the school in Tiffany Woods at 4625 Tiffany Woods Circle, stated that he had concerns about the 3 story building and movement of the retention pond on the school property. What is the role of the Land Planning Agency in this? Mr. Hill is a HOA board member representing Tiffany Woods.

Matt West stated that there was a height variance granted for the school. The school will be demolished and reconstructed in a north central location on the property. The track is being removed. The Board of Adjustment would have notified adjacent property owners at the time of the variance hearing. Schools have their own inspectors. This school has been in the neighborhood for many years. A-1 zoning allowed schools until recently. PLI makes schools a permitted use. The Department of Education is exempt from many local codes.

Commissioner Harris asked if Mr. Hill could be notified, along with neighbor Kevin Beach of 4623 Tiffany Woods Circle, concerning future changes to the project.

Mr. West stated that the retention pond was required by Code and could not be waived from the site plan.

Teresa Cruzic lives behind the proposed location for the new classroom building. She asked who selected the placement of the new classroom building. A 3 story building will now be in her backyard. She is concerned about drainage, which has been re-worked several times.

Commissioner Harris stated that these were engineering issues. Site plan review and engineering review were part of the process.

Ms. Cruzic asked if the rezoning will change anything with the development of the school.

Commissioner Harris stated that site engineering is not a zoning issue.

Commissioner Tucker said that the rezone will change the side setback.

Mr. West said that the side setback will change from 10 feet to 25 feet. The 3 story building will be 70 feet from the property line.

Mr. Beach asked about the notice that he received concerning a meeting on the 25th of May at 1:30 P.M.

Commissioner Harris stated that the notice concerned the Board of County Commissioners, who will make the final decision.

There was no further public comment.

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

Commissioner Bates seconded the motion.

Commissioner Tucker stated that he wished to amend the motion to maintain the existing minimum side yard setback.

A recess was called to examine the site plans.

Following the recess, Mr. West stated that there would be two buildings remaining from the original plan – the gymnasium and the cafeteria. The 3 story building will be 72 feet from the property line and will be angled away from the

houses. The cafeteria has a 25 foot setback and the fine arts building is 55 feet from the property line.

Commissioner Tucker withdrew his request for amendment since setbacks were no longer an issue.

Mr. West stated that the drainage pond was expanded due to drainage issues.

The motion by Commissioner Mahoney was unanimously approved (7 – 0).

VII. PLANNING MANAGER'S REPORT

Matt West reported that there will be 4 Large Scale Land Use Amendments and a briefing on the agenda for next month. He requested approval for a 6:30 P.M. start time.

The Commissioners unanimously consented to have the June 2nd meeting begin at 6:30 to hear the briefings.

There being no further business, the meeting adjourned at 7:55 P.M.

Respectfully submitted,
Candace Lindlaw-Hudson, Secretary