

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
JUNE 2, 2004**

Members present: Walt Eismann, Beth Hattaway, Ben Tucker, and Dudley Bates

Members absent: Alan Peltz, Chris Dorworth, and Richard Harris

Also present: Matt West, Planning Manager; Jim Potter, Senior Engineer, Development Review Division; Cynthia Sweet, Planner; Alice Gilmartin, Principal Coordinator; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

6:45 P.M.

A. Briefing on the Orange Boulevard Special Area Study.

Commissioner McLain – District 5
Alice Gilmartin, Principal Coordinator

Prior to the start of the regular meeting, Alice Gilmartin presented a briefing on the Orange Boulevard Area Study. She said that Planning Staff was directed to examine existing future land use designation in the area and determine possible development numbers. The second scenario looked at 4 to 5 dwelling units per acre. They also did infrastructure assessments.

At current designations, an additional 23 units could be built. A higher intensity future land use could mean 1,333 units.

The Wekiva Parkway could come in to this area. No monies have been set aside for that. The original committee established potential road area from 17-92 to Longwood-Markham Road for the road study. The BCC has indicated a controlled access over Rt. 46.

There have been no alignment studies at this time. We do have 200 feet of right of way there. There will be lights for cross traffic in Seminole County rather than overpasses. Everything is conceptual at this time.

Pertaining to the Orange Boulevard Study - Orange Boulevard has 22 feet wide paving. Oregon Avenue varies from 22 feet to 50 feet. Lack of drainage is an issue in the area.

Table One shows the traffic projections. The levels are good. Safety is a concern. Orange Boulevard has not been designated for funding.

Public Safety costs: Station 34 is closing and reopening in a new facility. \$3 million have been allotted for the building and manning of the new fire station.

Water and Sewer: Table 4 summarizes these issues. Use will grow from 1.2 million gallons per day to a projected 3 million gallons per day.

A funding scheme is needed. Developers could pay for the costs of upgrades.

Staff recommends the corner of Missouri and Orange Boulevard to be the demarcation point between residential and non-residential. The non-residential line for depth should be no greater than the Fossitt Business Park. Non-conforming uses will be code enforced on a case by case basis.

Development of the Orange Boulevard and SR 46 intersection must be up to Wekiva River Protection Layer Standards.

Commissioner Hattaway stated that there needs to be a clear definition of what "redevelopment" really means. If there is a new tenant property needs to be brought up to Code. This is important to land owners.

Matt West stated that Debbie Leigh will go to the BCC concerning Code Enforcement issues in this area.

Bruce Anderson of 1730 Perch Lane stated that the problem is safety. The swales, lack of sidewalks, and no funding. He wants to see problems identified and funds allotted for use here.

Kathy Brown also was concerned about safety. The second stage of the Fossitt Business Park is coming. Reclaimed water use is far off. She has been unable to bring in water and sewer because of excessive costs. Ms. Brown requested a night time public hearing on this issue.

Bob Bugnacki of 5350 Orange Boulevard has lived in the area for 20 years. He had many of the same concerns.

Alice Gilmartin stated that the predominant open space was to the south. All property owners want the area left Suburban Estates. The County would like to keep the area LDR (Low Density Residential).

Orange Boulevard and Oregon are to be expanded. Speed and driver negligence are the problems here.

This ended the briefing portion of the meeting.

7:30 P.M.

Due to the absence of Commissioners Harris and Dorworth, attending members elected a Chairman Pro Tem. Commissioner Tucker served as Chairman for the meeting.

Commissioner Tucker called the meeting to order at 7:30 P.M.

A quorum was established.

The Chairman reviewed the rules for conducting the meeting, public participation, and voting procedures.

The proof of publication was accepted unanimously.

The minutes were approved as submitted by unanimous consent.

B. Rain Tree Subdivision: Bob Zlatkiss; Preliminary Subdivision Plan for 209 lots on 69.23 acres zoned PUD; located on the east side of SR 415 and north of SR 46; in Section 34, Township 19 S, Range 31 East. (04-05500010)

Commissioner McLain – District 5
Cynthia Sweet, Planner

Cynthia Sweet presented the preliminary subdivision plan for the Rain Tree subdivision. There are to be 209 lots in the subdivision. No waivers are being requested. Staff recommendation is for approval of the plan.

Bill Fogel of Civil Design Group was present to represent the owners.

There were no questions from the Commissioners.

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

Commissioner Eismann seconded the motion.

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

C. Capital Improvements Element; Seminole County, applicant; Annual Update of the County's Five Year Capital Facilities Program (04F.TXT01)

County Wide
Dick Boyer Senior Planner

Matt West requested that this item be moved to the July 7, 2004 meeting.

Commissioner Bates made a motion to move this item to the July 7, 2004 meeting.

Commissioner Eismann seconded the motion.

The motion passed by unanimous consent.

D. SE Mikler Road/Red Bug Lake Road Rezone; CPH Engineers, Inc. / Javier E. Omana, applicants; approximately 44 acres; rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) and Large Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development); located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection. (Z2004-013)

District 1 - Commissioner Maloy
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant, Javier Omana, is requesting a Large Scale Land Use Amendment from Low Density Residential to Planned Development and a rezone from A-1 (Agriculture District) to Planned Development. The site consists of approximately 44 acres located south of Red Bug Lake Road, east of Mikler Road at the Slavia Road intersection. The applicant is proposing a combination commercial and office development on the site, to be known as Mikler Shoppes, consisting of 151,000 square feet of retail and 17,500 square feet of office floor area.

Mr. Hopper stated that four of the seven buildings shown on the proposed site plan would be entirely commercial, while the 3 remaining buildings would have 1st floor retail with 2nd floor office uses. In these 3 buildings, an optional use would be multi-family dwelling units on the 2nd floor, to a maximum of 10 units on the site. Access to the site would be from Red Bug Lake Rd. on the north, Mikler Rd. on the west, and Slavia Rd. on the east. Buildings and parking would be limited approximately to the north ½ to 2/3 of the property, with the remainder on the south to be used as stormwater retention and a water feature.

Mr. Hopper noted that a previous application on this property proposed a Super-Wal Mart facility. While the new request is still primarily commercial, there are a few important differences that should be noted:

- Total floor area would be approximately 168,000 square feet as compared with 205,000 square feet in the previous request.
- Commercial uses would be broken up among a number of buildings, the largest of which would be approximately 40,000 square feet in size, while Wal Mart would have placed more than 200,000 square feet in one building. No single use would necessarily dominate the development.
- Parking and structures would be kept 500-600 feet from the residential land to the south, while the Wal-Mart building would have been built within 350 feet of the south property line.

Staff recommendation on the new proposal is based partly on the water feature, which would serve both as a visual amenity and a buffer area 500 - 600 feet wide to serve as a transition between commercial uses along Red Bug Lake Road and low density residential uses associated with Mikler Rd. to the south.

Mr. Hopper said that the recommendation is also based on the existing commercial zoning along Red Bug Lake Rd. to the east and west of the site. The Oviedo Crossings PUD lies directly across Slavia Road and includes a number of planned and existing commercial sites

going eastward along Red Bug to the SR 417 interchange area. To the west of the site is a 6.8 acre PCD, extending to the Mikler Road intersection, where low intensity commercial uses have already been approved. To the west of Mikler Rd. are 2 assisted living facilities which effectively form the west end of nonresidential uses associated with the Red Bug / SR 417 interchange.

Therefore, with some limits on development intensity, and an effective buffer on the south, the proposed PCD would provide an appropriate transitional use between higher intensities to the east and lower intensities to the west.

Staff recommends transmittal of the large scale land use amendment and approval of the requested rezone subject to the conditions listed in the development order and your staff report. These conditions include the following:

- No structures or parking shall be permitted within 500 feet of Mikler Road.
- Allowable uses shall be those listed as permitted or conditional uses in C-1, but prohibiting gasoline pumps and hospitals.
- Building heights shall be limited to 40 feet for structures within 300 feet of Red Bug Lake and Slavia Roads, 35 feet for all others.

Mr. Omana said that he was representing three of the property owners. They have listened to the comments made pertaining to the Wal Mart application. The property owners want to propose a transitional use here. No “big boxes.” These are land owners who have been in the area for 30 to 40 years. They want to leave a positive legacy.

As for the geotechnical aspects of the site, Mr. Omana stated that he faxed information to staff today. The site has been used for grazing and farming. A substantial part of the site is muck. This means higher development costs. For Low Density Residential – four units per acre- it would be financially unfeasible. Development costs normally range from \$10,000 – 15,000. This site will cost \$400,000 per acre or \$100,000 per lot. Land costs added in bring costs to a half million dollars per acre. Mr. Omana stated that five builders have examined the property and have walked away from doing single family home development on the site

Mr. Omana stated that the owners concur that this is a transitional site. Adjacent property to the west, at the southeast corner of Mikler Road and Red Bug Lake Road is a PCD. That would make this site a transitional infill site. Plans will provide generous buffers and a 16 acre pond. This is a plan he is proud of. Possible façade options may be included in the approval.

Commissioner Eismann asked what concerns the neighborhood group meetings had expressed to the applicants.

Mr. Omana indicated that they did not want “big box” projects. The area residents also wanted walkway hook ups, no intense development, but they did want restaurants and a mixed use concept.

Commissioner Hattaway stated that this transitional area must “step down” to residential uses. She questioned the 40 foot height as being too great.

Mr. Omana said that they could limit building heights to 2 stories, but that roof units should be shielded from residences. This can be done at the time of Final Master Plan approval.

Commissioner Bates questioned the placement of the parking lots near the road.

Mr. Omana stated that the buildings were being located near the water feature as a positive benefit. Red Bug Lake Road is super-elevated in this area and therefore the parking lot will not be visible from the roadway. Plans are not finalized at this point as to the drop from the roadway or other fine points.

Commissioner Tucker asked about use of the 4-way light at the intersection to the north.

Matt West said that the light is part of the Oviedo Crossing Planned Development.

Commissioner Tucker inquired about single family lot development costs.

Mr. Omana used a map to indicate a large portion of the site as having muck pockets of more than 10 feet in depth. This is very costly to work with.

Bob Navidomskis of 1999 Slavia Road, Oviedo said that this is a nice project. He built the Church Street project. He has lived in the area for 24 years. This is a project that needs support.

Cecil Stone, another property owner, stated that this project is being done without corporate funding as the previous application was.

Mike Kraus of 3173 Bothwell Court, Oviedo is the Vice Chairman of the Red Bug Coalition, representing 18 subdivisions comprising 7,500 residents in the area. He stated that he is opposed to this application. Intensity is an issue. Mr. Kraus has had a career in land development. He said that the applicant has not listened to the people. The entire parcel will not have to be remediated in order for it to be made residential. This abuts 200 acres of residential subdivisions. The applicant should consider partial development of the parcel.

Greg Pryor of 1478 Thornhill Circle is Chair of the Red Bug Residential Coalition. He said that trends in the area are residential. Slavia Road has been the dividing line; it decreased density and ended at the 7-11. Part of Mr. Stone’s property is commercial. We do not oppose this. The Wal Mart was 230,000 square feet. This project could be up to 261,500 square feet. Intensity is a problem. The applicant is maximizing the commercial value of the land. Mr. Pryor concluded by quoting from the Wal Mart application’s staff report saying it was incompatible.

In rebuttal, Mr. Omana restated that 5 residential builders had walked away from the prospect of developing the site. This site and its surroundings have changed. The trend is not residential. There is a PCD on the northwest quadrant. The line for commercial has moved to Mikler Road. The Assisted Living Facility in the area is quasi-commercial, not residential use. The math does not add up for residential here. Commercial development is half the cost.

Commissioner Hattaway asked Mr. Kraus what his credentials were.

Mr. Kraus stated that he was an independent registered professional engineer.

Commissioner Tucker inquired about the outparcel.

Matt West said that it is the "C.A. Stone PCD." This has restrictions on it. It could become a bank, for example. He said that the Low Density Residential piece on the southwest portion of the site was left out of this request. The bulk of that parcel is buildable. It is not recommended for commercial use at this time. New projects have been indicated for major intersections. The County Engineer has indicated that Slavia Road is operating as a collector road and should be classified as such. The previous application put the Wal Mart building a lot closer to the residential uses than is proposed here. Looking to the future, the proposed buildings could be revamped or redeveloped in the future by portions.

Commissioner Tucker asked Mr. West to address the Land Use Amendment.

Mr. West stated that staff had received Mr. Omana's report today. Location of buildings, buffers, light pollution, noise reduction will all have to be considered. There is a PCD and a 7-11 nearby.

Commissioner Tucker asked about the high tension lines in the area.

Mr. West could not comment since he had no information on this.

Commissioner Tucker asked if the light on the Slavia intersection will be a 4-way light.

Mr. West said that the signal will be at Mikler Road. Access at Palomino may be controlled.

Commissioner Bates reiterated that this should not become a "big box" project.

Mr. West agreed and stated that drive-through businesses were prohibited. This request is to be heard by the Board of County Commissioners on July 13. The State then takes 90 days to make comments. October 26 is the tentative adoption hearing. The State usually comments 3 weeks before.

Commissioner Eismann made a motion to recommend transmittal of the Large Scale Land Use Amendment and rezone, with the added condition of prohibiting drive through businesses.

Commissioner Bates seconded the motion.

The motion passed by a vote of 4 – 0.

E. 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 – Comm. Henley
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is proposing a major change to the Final Master Plan of the ETOR PUD. Portions of Tract “C” are currently designated for office use. The proposed change would place a neighborhood retail facility on the north side of Sun Drive, and 39 townhouse units on the south side. The proposed uses are similar to existing uses in other portions of the PUD, which covers 90 acres on the southwest corner of Lake Mary Boulevard and Greenwood Boulevard. Mr. Hopper stated that staff recommends approval of the requested modification to the Final Master plan, subject to the conditions stated in Addendum #2 to the Developer’s Commitment Agreement. The conditions include the following:

- Residential density within the affected area of Tract C shall not exceed 12.4 units per net buildable acre and a gross density of 9.9 units per acre.
- The townhouse development shall comply with the Land Development Code requirement of 25 % usable common open space.
- The neighborhood commercial development shall be limited to uses listed as permitted in the CN (Neighborhood Commercial) zoning classification.
- All buildings shall be limited to 35 feet in height.

No one spoke from the audience on this application.

Ron Henson spoke on behalf of the applicant. He stated that the townhomes are to be immediately adjacent to 3 story apartments. There will be a common architectural theme. These will be owner-occupied, fee simple condominiums.

Commissioner Hattaway made a motion to recommend approval of the requested modification to the Final Master plan, subject to the conditions stated in the Staff Report and in Addendum #2 to the Developer’s Commitment Agreement.

Commissioner Bates seconded the motion.

The motion passed unanimously (4 – 0).

Florence Arbor PD; Justin Pelloni, applicant; 27.2 acres Large Scale Land Use Amendment from Office to PD (Planned Development) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the northeast corner of Orange Blvd. and CR 46A (04F.FLU03 and Z2004-014)

Commissioner McLain – District 5 -
Tina Deater, Senior Planner

Tina Deater introduced the location and request for the Florence Arbor project. It encompasses 27.2 acres on the northeast corner of Orange Boulevard and CR 46A. It will be a mixed-use development. The Vision 2020 Plan says that it can be appropriate for such uses with adequate buffering. Staff recommends approval and transmittal of the request for a Large Scale Land Use Amendment from Office to PD (Planned Development) and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) and approval of the attached Preliminary Master Plan with the conditions stated in the staff report. These include:

- a. The residential portion of the project shall be developed at a maximum density of 20.25 units per net buildable acre or a maximum of 320 dwelling units.
- b. The retail/office portion of the project shall be developed with a maximum of 19,500 square feet of retail/office space
- c. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- d. The first row of structures adjacent to Orange Boulevard or the structures within the first 120 feet adjacent to Orange Boulevard, whichever is greater, shall be limited to two stories.
- e. The buffer adjacent to Orange Boulevard shall be a minimum of 25 feet in width, with a 6-foot masonry wall and a coordinated repetition of trees in compliance with the Seminole County Land Development Code on the Orange Boulevard side of the wall.
- f. Development greater than three (3) stories shall be restricted to the eastern half of the property.
- g. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. Front: 35 foot setback and 25 foot landscape buffer
 2. Rear: 35 foot setback and 15 foot landscape buffer
 3. Side: 35 foot setback and 15 foot landscape buffer
- h. A minimum building setback of 15 feet and a minimum landscape buffer of 5 feet with a 6-foot masonry or brick wall shall apply between the retail/office and residential tracts.
- i. The following minimum building setbacks shall apply to the individual townhouse buildings:
 1. Front: 20 foot
 2. Rear: 20 foot

- j. The following minimum building setbacks shall apply to accessory structures associated with the townhouse units:
 - 1. Pools and other accessory structures: Side: 5 foot, Rear: 5 foot
 - 2. Screen enclosures: Side: 3 foot, Rear: 3 foot
- k. The following minimum building setbacks shall apply to the individual condominium buildings:
 - 1. Front 20 foot
 - 2. Rear: 10 foot
- l. The following building height limits shall apply:
 - 1. Town homes (1,2, or 3-story) – maximum height 40 feet
 - 2. Condominiums (maximum 5 story) – maximum height 60 feet
 - 3. Office/Retail Uses – maximum height of 40 feet, including architectural features such as towers, spires, and cupolas. Anything proposed over 40 feet must have architectural renderings provided and must be approved by the Board of County Commissioners.
- m. Permitted uses for the retail portion shall be all permitted uses in the C-1 zoning district and special exception uses shall be those special exception uses in the C-1 (Retail Commercial) zoning district as outlined in the Seminole County Land Development Code, except that the following uses shall be prohibited: funeral homes, drive throughs, gasoline pumps, communication towers, hospitals, nursing homes, and flea markets. Alcoholic beverage establishments shall be allowed by special exception only.
- n. Permitted uses for the residential portion shall be townhomes, condominiums and home occupations.
- o. All signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards.
- p. All landscape buffers and common areas shall be maintained by a homeowners association.
- q. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- r. The developer shall construct a 5-foot wide sidewalk along the east side of Orange Boulevard.
- s. Architectural renderings of the buildings shall be provided with the Final Master Plan.

Justin Pelloni spoke next. He stated that he has developed in Lake Mary, including the Shoppes at Oakmonte and now Park Place at Heathrow. He stated that he is interested in the community. He lives within a mile of the proposed project being considered. His company does high end townhomes and condos. Empty nesters are looking for this type of easier living.

Public comment

Linda Welker stated that she was a 30 year resident of the area. She knows change in coming and feels that this is a nice transitional use. It is consistent with the area. She is in favor of this request.

Efrem Her stated that changes had to come to the area eventually and that this concept was good.

Cindy Crane of 820 Banana Lake Road spoke in opposition. She is concerned with the density of the project. The height of the condominiums should be restricted to 2 stories. She is also concerned about the impact this project will have on the schools. The intersection near this project will be a nightmare.

In rebuttal, John Gilmartin stated that the proposed use will not be as intense as it would be at the current office use.

Commissioner Hattaway read the comments of Dianne Kramer, representing the Seminole County School Board.

Commissioner Tucker asked if the existing single-family homes on the property would be demolished.

Mr. Pelloni stated that they would be.

Commissioner Tucker made a motion to recommend approval of the rezone and transmittal of the Large Scale Land Use Amendment and attached Master Plan.

Commissioner Hattaway seconded the motion.

The motion passed by a vote of 4 – 1.

G. Celery Estates South; Suncor Properties, Inc. / Robert Horian, applicants; approximately 14.27 acres; Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southeast corner of the intersection of Celery Ave. and Brisson Ave. (04F.FLU01 and Z2004-012)

Commissioner McLain – District 5
Tina Deater - Senior Planner

Ms. Deater stated that this is the second phase of Celery Estates. The applicants are proposing a single-family residential subdivision with a maximum density of 4 dwelling units per net buildable acre. The applicant is requesting an earthen berm/wall combination to be substituted for the 6 foot clay brick wall, pending approval by the City of Sanford for the Celery Avenue buffer associated with the Celery Estates North project. Staff recommends approval of the request for a Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and Rezone from A-1 (Agriculture District) to PUD (Planned Unity Development District) on approximately 14.27 acres, and approval of the associated Preliminary Master Plan.

Scott Philips of CPH Engineers, Sanford, stated that he agreed with the terms stated in the staff report and that he asked for approval of the request.

No one spoke from the audience concerning the request.

Commissioner Tucker asked why a clay brick wall was being recommended. There are other attractive alternatives that cost less.

Matt West stated that this comes from the Overlay Standards. The people from the public who gave input in the drafting of the Overlay Standards specified brick.

Karen Consalo stated that the County wanted the red brick wall to avoid the placement of a concrete block wall.

Commissioner Tucker expressed concern for the placement of sidewalks.

Mr. West stated that this project (Celery Estates North and Celery Estates South) is split between two jurisdictions. The developer will put sidewalks along Celery Avenue. When other portions are developed, sidewalks will come.

Commissioner Tucker asked if there would be enclosed drainage along Celery Avenue in this area.

Jim Potter, Senior Engineer with the Development Review Division, stated that the project presented to him thus far has been only conceptual. If they are going to widen the road, drainage will have to be addressed. Either swales or pipes would be considered.

Jim McMullen of CPH Engineers spoke also. He is the Engineer of Record on the project. He said that he is trying to be compatible with existing development. There is a stormwater culvert nearby on Brisson Avenue. They are giving 30 feet of right of way on either side of the road. Eventually there will be 100 feet of right of way for Celery Avenue in this area. There is plenty of traffic capacity on Celery Avenue according to Traffic Engineering. There will be 47 homes. There will be interior sidewalks. School Bus Stop placement will be designated at the time of Final Master Plan approval. Turn lanes have been designated off Celery Avenue.

Commissioner Tucker stated that school bus stops have been designated near the entrance to the subdivision in other projects.

Tina Deater pointed out that item "L" states that school bus stops will be worked out at the time of final master plan approval.

Commissioner Hattaway asked about screen enclosure setbacks.

Mr. McMullen said that setbacks listed should be good without requiring home owners to get a variance to have screen enclosures.

Commissioner Hattaway asked that if berms were used, would they be irrigated.

Mr. McMullen stated that irrigation was required.

There was no further discussion.

Commissioner Bates made a motion to recommend approval and transmittal of the request for a Large Scale Land Use Amendment from Suburban Estates to Low Density Residential and Rezone from Agriculture 1 to Planned Unit Development and approval of the Preliminary Master Plan, according to Staff recommendations.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (4-0).

There was no further business to be discussed.

The meeting adjourned at 10:00 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson, Secretary