

**MINUTES FOR THE SEMINOLE COUNTY
PLANNING AND ZONING COMMISSION
SEPTEMBER 15, 2004**

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

Absent: Walt Eismann and Beth Hattaway

Also present: Tony Walter, Assistant Planning Manager, Matt West, Planning Manager, Michael Rumer, Planner; Tina Deater, Senior Planner; Jim Potter, Development Review, Kim Romano, Assistant County Attorney; Stephen Lee, Deputy County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order at 7:00 P.M. A quorum was established. Commissioner Harris reviewed the manner by which the meeting is to be conducted and how voting is accomplished.

Commissioner Harris reviewed the fact that the meeting was postponed from its regularly scheduled date due to the hurricane.

Stephen Lee introduced Kimberley Romano to the Commissioners. She will be the new attorney working with Planning and Zoning.

Commissioner Bates made a motion to accept proof of publication for the meeting.

Commissioner Peltz seconded the motion.

The motion passed unanimously.

Commissioner Bates made a motion to accept the minutes for the meetings of August 4 and September 1.

Commissioner Peltz seconded the motion.

The motion passed unanimously.

Technical Review:

A. Lake Jesup Woods (PSP); Greater Construction Corp., applicant; approximately 78.64 acres; Preliminary Subdivision Plan approval for a 116 lot single family residential subdivision zoned PUD (Planned Unit Development); located on the south side of Myrtle Street, 650 feet east of Hester Avenue.

Commissioner McLain – District 5
Michael Rumer, Planner

Michael Rumer introduced the site of the preliminary subdivision. The subdivision is zoned PUD (Planned Unit Development). It will have Seminole County utilities. There will be a 150 foot buffer along Myrtle Street and a 50 foot buffer on the west.

Commissioner Tucker asked about a connector trail.

Mr. Rumer stated that there is no connection because it would impact the wetlands.

Tony Walter stated that there had been discussion concerning the connection early on, but it was not carried through.

Matt West stated that the matter of trail connections had not been addressed in the Development Order. There had been a discussion to connect up with Autumn Chase, but Autumn Chase had declined the possibility.

Commissioner Bates asked if the staff was comfortable with the number of units and the fact that there is only one entrance. He thought that there were a lot of units for only one access and egress.

Matt West stated that there was plenty of room for stacking.

Commissioner Tucker wondered if the school bus turn around were adequate.

Commissioner Tucker made a motion to recommend denial.

The motion died for lack of a second.

Commissioner Dorworth made a motion to recommend approval.

Commissioner Harris passed the gavel and seconded the motion.

The motion passed 3 – 2.

B. Myrtle Street Subdivision; Acorn Associates / Sandy Bierly, applicant; approximately 28.74 acres; Final Master Plan Approval for an Urban Conservation Village single family subdivision located at 1435 Myrtle Street. (Z2004-044)

Commissioner McLain – District 5
Tony Walter, Assistant Planning Manager

Mr. Walter reviewed the background of the application, stating that the property had been analyzed for conservation areas, identifying wetlands. The final plan has two roads with a cul-de-sac. The applicant has met the two units per acre criteria. The pedestrian/equestrian trail connects to the Nolan tract. 51.4 percent greenway and open space is achieved. There is a three pond system of water retention and filtration. The project connects to water and sewer. The applicants have submitted a greenway owner/management plan. Setbacks are met. 60 percent of the greenway is in one primary area.

The landscape plan was shown. Plant materials will be drought resistant trees, with bahia grass used. A shallow swale will run around the pond to direct run-off. Ponds will be planted with beneficial aquatic plants. A temporary watering system will be used to help establish plantings in the green space area.

Mr. Walter stated that there had been major concerns from the public about storm water run off and retention ponds and also that the plan did not come off in the spirit of the conservation village as originally discussed. They felt that this was not rural in character, in keeping with the surrounding area.

Mr. Walter stated that .53 acres in the entrance area will be for a tot lot, tennis court or pool.

Commissioner Tucker asked about the fencing used.

Mr. Walter stated that we adopted fencing at 50 percent opacity. No privacy fences are allowed.

Commissioner Tucker noted the position of the tot lot near a main road and asked about alignment of the trail with nearby trail placements.

Mr. Walter noted that the road is substandard. The applicant must provide right of way for the road. Recently, the sheriff's office delivered flood notices to properties in danger of flooding. No area residents were notified.

Michele Tanner of CPH Engineers expressed her appreciation for the cooperation of the staff during the process.

Commissioner Harris asked why there were cul-de-sacs rather than the loop road.

Michele Tanner said that the loop road will bisect the green/open space area. Density calculations called for more roads, so we chose this configuration to cut back on the amount of pavement used.

Matt West stated that the right of way dedication was required to bring the road up to code.

Commissioner Dorworth made a motion to recommend approval as stated in the staff report.

Commissioner Bates seconded the motion.

The motion passed unanimously (5 – 0).

Prior to the public hearing items, Chairman Harris announced that the applicant had requested continuation of item “F.”

Commissioner Bates made a motion to continue item F – HIBC to the October 6 meeting.

Commissioner Peltz seconded the motion.

The motion passed unanimously.

PUBLIC HEARINGS:

C. Greenway Pointe; Florida Land Design/William T. Buckley, applicant; approximately 65.1 acres; rezone from A-1 (Agriculture District) to PUD (Planned Unit Development); located on the north side of SR 426 (Aloma Avenue) east of Tuskawilla Road. (Z2004-035)

Commissioner Maloy - District 1
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting PUD zoning to allow commercial and multi-family uses on the site. The property is bisected by a future segment of the Cross-Seminole Trail. To the north of the trail R/W is MDR future land use, permitting a maximum density of 10 units per acre. HIP land use lies to the south of the trail, allowing commercial uses and/or a maximum of 20 dwelling units per acre.

The applicant has submitted a conceptual plan for rezoning purposes, which basically restates the potential uses established by the county's Vision 2020 Plan. Specific development proposals will be evaluated through the Final Master Plan process.

The site lies adjacent to Bear Creek Subdivision to the west. The applicant proposes substantial buffers on the west side, 50 feet wide south of the trail and 25 feet wide north of the trail. These buffers would include 8 canopy trees per 100 feet and a 6 foot masonry wall.

Setbacks from the west property line within the HIP area would be 50 feet for 1-story buildings and 100 feet for 2-story buildings.

Staff recommends approval of the request subject to conditions listed in the staff report and Development Order. These include the following:

- Permitted residential unit types north of the Cross Seminole Trail would be townhomes, condominiums, and single family homes.
- Allowable uses in the HIP portion of the site would be C-2 and R-4 uses, but prohibiting communication towers, lumber yards, mechanical garages, paint & body shops, and auto repair.
- Buffers on the west would include a 6-foot brick or masonry wall and landscaping as specified in the Development Order.

Ted Buckley of Florida Land Design stated that he wants PUD approval for the whole parcel, but he will only be developing the residential portion. The commercial part will be done later. The residential portion will have 7.5 dwelling units per acre density. A portion lies to the south in the HIP area. 7.5 dwelling units per acre is considerably less than 20 dwelling units per acre, which is the permitted level of density.

There will be a traffic signal at the community entrance, which will be gated. The price range for the houses will be between \$175,000. and \$250,000. There will be 20 acres of wetlands placed in conservation easements. The northeast quadrant of the site has 1.5 acres of open space.

Commissioner Tucker asked about the traffic signal.

Mr. Buckley said that property owners to the north and south would align.

Mr. Buckley stated that he would align with Deep Lake Road; we have created enough right of way to have legal roads.

Staff conditions call for the road to align and for a traffic signal.

Commissioner Tucker asked if there was one owner for the two properties to the north and south.

Ted Buckley said that Charles Clayton had controlling interest in the properties.

Mr. Buckley stated that he had an agreement with Ryland Homes. There will be a wall from Bear Creek Subdivision to the trail and in other places, a 50 foot buffer. There will be a 35 foot height restriction.

Jody Boyd of Raintree Estates has a problem with stormwater on her property. She is interested in this aspect of the development.

Ray Oover of Bear Creek was concerned about wildlife, particularly the tortoises. He was also concerned with the balconies and how they would be facing. The traffic in the area is already bad. He feels the area does not need any more commercial.

Ted Buckley stated that stormwater would be dealt with at final engineering. The wild life question will be addressed also.

Mr. Buckley stated that there would be no balconies facing to the West or North. There will be no second floor balconies overlooking the neighbors.

He proposes a 25 foot landscape buffer.

Commissioner Bates made a motion to recommend approval according to the conditions in the staff report.

Commissioner Dorworth seconded the motion.

Commissioner Tucker said that the automatic exclusion of cell towers was short-sighted and should be removed. **He asked to amend item A to include cell towers and add item "T" to put in consideration for planting of trees so that they do not interfere with the placement of over and underground utilities.**

Commissioner Bates agreed to the amendment.

Commissioner Dorworth seconded the amendment.

Commissioner Harris stated that he agreed with the statement about underground utilities.

Commissioner Tucker stated that this was an area of great concern.

The motion passed 5 – 0.

D. Sunlake PUD Major Amendment / Amber Lake Townhomes; CPH Engineers, applicant; approximately 9.68 acres; Major Amendment to the Sun Lake PUD (Planned Unit Development); located on the south side of SR 434, 0.2 mile east of US 17/92. (Z2004-034)

Commissioner Morris - District 2
Jeffrey Hopper, Senior Planner

This item has been continued to the October 6, 2004 meeting.

E. Lake Howell Lane Rezone; Gregory T. Leonard, applicant; approximately 3.94 acres; rezone from R-1AAA (Single-family Dwelling District) to A-1 (Agriculture District); located on the north side of Lake Howell Lane, approximately 550 feet east of Lake Ann Lane. (Z2004-018)

Commissioner Maloy - District 1
Tina Deater, Senior Planner

Tina Deater stated that the rezoning is being requested to enable the applicant to have horses on his property. This zoning request is compatible with surrounding area parcels.

Tom Leonard, applicant, stated that this is a rural area and that the horses were for personal use. There will be no business there.

Spencer Rhodes of 2726 Lake Howell Lane stated that A-1 zoning is appropriate. He wondered why the entire parcel was not going to be rezoned to A-1. The road needs to be improved.

Commissioner Harris stated that he would check on the zoning question.

Matt West stated that Autumn Chase and Talman Mews are split zoned.

Commissioner Dorworth asked if A-1 zoning affects the applicant's paying for road improvements.

Michael Cabrera was concerned about trees being removed from the property and the legality of the lot. He thought that this may be an illegal lot.

Antonio Cabrera is also a neighbor. He has lived there 38 years. He stated that this parcel is an illegal lot. He felt that once this parcel is rezoned, it will be divided.

Shirley Haynes of 2764 Lake Howell Lane owns several parcels in the area. She said that the R-1AAA zoning was done in the 1940's. She was concerned about the split zoning. She was concerned about property appraisal and taxes.

Commissioner Harris stated that the board cannot consider the taxing methods.

Shirley Haynes stated that Mr. Leonard had said he was going to have a breeding farm. That will not be compatible with the neighborhood. She said that the parcel should have one zoning, not two.

Mr. Leonard stated that he is going to have split zoning in order to have better setbacks for the new house he is going to construct. He will improve the road.

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

Commissioner Peltz seconded the motion.

Commissioner Harris stated that issues of tax assessment are not involved in our determination of the use of the land. With respect to the road improvements: the A-1 parcels have residential uses; there is plenty of room for horses.

Commissioner Dorworth stated that the applicant can divide the lot with R-1AAA zoning.

The motion passed 5 – 0.

F. Heathrow International Business Center; Shutts & Bowen LLP, applicant; approximately 436.7 acres; Major Amendment to the Heathrow International Business Center PUD Master Plan; approximately bounded by CR 46A, Interstate 4, Lake Mary Boulevard, and Banana Lake Road. (Z2004-029)

Commissioner McLain – District 5
Tina Deater, Senior Planner

This item was continued to the October 6, 2004 meeting.

G. Country Club Road Rezone; Ellen H. Franklin/Ruth Key, applicants; approximately 3.47 acres; rezone from A-1(Agriculture District) and C-2 (Retail Commercial District) to CN (Neighborhood Commercial District); located on the north side of Country Club Road approximately 305 feet east of Airport Boulevard. (Z2004-036)

Commissioner McLain – District 5
Tina Deater, Senior Planner

Ms. Deater stated that the land use designation is compatible with the surrounding uses. Staff recommendation is for approval.

The applicant was not present to comment.

Commissioner Dorworth made a motion to recommend approval as per the conditions of the staff report.

Commissioner Tucker stated that there is a derelict property on Country Club Road and Airport Boulevard. He asked if that property would be impacted.

Ms. Deater stated that the rezoning is being asked for to sell the property. No development plans were known at this time.

The motion passed 5 – 0.

H. Alafaya Trail/Lake Hayes Road Administrative Land Use Amendment; Seminole County, applicant; Approximately 3.7 acres; Administrative Small Scale Land Use Amendment from LDR (Low Density Residential) to Office; located on the east side of Alafaya Trail between Beasley Road and Lake Hayes Road. (Z2004-045)

Commissioner Maloy - District 1
Tina Deater, Senior Planner

Ms. Deater stated that this request covers 9 parcels on the east side of Alafaya Trail. Residential zoning may not be feasible here after the widening of Alafaya Trail.

Commissioner Tucker noted that the bottom parcel is a retention area owned by the Department of Transportation.

There were no public comments from the floor.

Commissioner Harris noted the e-mail from Elliot Mausner, owner of Lot 6, as being in favor.

Commissioner Peltz made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed by unanimous approval (5 – 0).

Stephen Lee informed the commissioners that all new subdivisions are required to have underground lines.

Feeder lines were litigated because the Public Service Commission has control of the rates, therefore the County has no say in putting underground feeder lines in – unless the County pays for it.

Matt West stated that Planning is developing a special presentation concerning the Charter Amendment.

The BCC passed the property change to PCD for the Mikler Road/Slavia Road project.

The Orange Boulevard/46A Florence Arbor project still has issues.

Deer Run was continued to September 28 to enable further meetings with the staff and public.

Commissioner Tucker asked Mr. West about the county's position on package plants.

Mr. West stated that they were not looked upon with favor.

Mr. West said that the County needs to have a study to see about transitional uses. The Pelloni piece was not originally to be HIP use.

Commissioner Dorworth was concerned about the public having input in site plan approval.

Mr. West stated that the BCC wanted the first few such projects reviewed by the public.

Commissioner Tucker stated that the board needs the cost of the Myrtle Street study, specifically the dollar amount spent.

Commissioner Harris stated that anything smaller would be an urban development.

Matt West said that planners would like to see 50 to 70 acres put together.

Commissioner Dorworth stated that he was concerned about this matter.

The meeting was adjourned at 9 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Senior Staff Assistant