

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
FEBRUARY 2, 2005**

Members present: Matt Brown, Ben Tucker, Beth Hattaway, Chris Dorworth, Richard Harris, Walt Eismann, and Dudley Bates.

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Michael Rumer, Planner; Cynthia Sweet, Planner; Tina Deater, Senior Planner; Tony Matthews, Principal Planner; Tom Radzai, Senior Engineer; Kim Romano, Assistant County Attorney; and Karen Mathews, Senior Staff Assistant.

Chairman Harris called the meeting to order at 7:00 P.M. All members were present.

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

Commissioner Eismann seconded the motion.

The motion passed unanimously.

Commissioner Tucker made a motion to approve the minutes for the January 5, 2005 meeting.

Commissioner Eismann seconded the motion.

The motion passed unanimously.

Old Business

Commissioner Brown brought up the concern of Lazy Acres for protection from development encroaching by the City of Longwood. Citizens of Lazy Acres subdivision have expressed a desire to keep the rural atmosphere of the neighborhood. He spoke of a past action in which an easement had been put around the property looking for protection from annexation. The easement was given to the County, which therefore had to be contacted concerning any annexation on the property within the buffer easement.

Matt West said that annexations occur on properties contiguous to City limits; such issues could be explored.

Election of Chairman and Vice Chairman

Commissioner Harris stated that he would be taking himself out of consideration for continuing as Chairman for the coming year.

Commissioner Brown nominated Commissioner Tucker for the Chairmanship.

Commissioner Hattaway seconded the motion.

Commissioner Bates nominated Commissioner Dorworth for the Chairmanship.

Commissioner Dorworth declined the nomination.

Commissioner Bates withdrew the nomination.

The vote for Commissioner Tucker was unanimous (7 – 0).

Commissioner Dorworth nominated Dudley Bates to be Vice Chairman.

Commissioner Brown seconded the motion.

Commissioner Tucker nominated Mr. Brown for Vice Chairman.

Commissioner Brown declined the nomination.

Commissioner Bates was unanimously elected Vice Chairman (7 – 0).

Technical Review Items:

A. River Pine Estates (PSP); SYC Management, applicants; Approximately 10.13 acres; Preliminary Subdivision Plan approval for 12 Lots, Single Family Residential, Zoned R-1AA (Single Family Residential District); located on the north side of River Birch Avenue approximately 1300 feet west of Lockwood Blvd. (04-05500033)

Commissioner Dallari – District 1

Michael Rumer, Planner

Michael Rumer introduced the application of Kenneth Hoffer for approval of a Preliminary Subdivision Plan for a 12 lot single family residential subdivision called River Pine Estates. The site is located on the north side of River Birch Avenue, approximately 1,300 feet west of Lockwood Boulevard. The proposed project consists of 12 lots on 10.13 acres zoned R-1AA. The typical lot size will be over 12,000 square feet. The project will connect to Alafaya Utilities for sewer and use City of Oviedo for water. The Road will be privately owned and maintained. No waivers have been requested for this site. Staff recommends approval of the Preliminary Subdivision plan for River Pine Estates.

Commissioner Bates noted the use of wells listed in the staff report.

Mr. Rumer stated that the wells would not work and that the City of Oviedo will supply the water for the project.

Commissioner Harris made a motion for a recommendation of approval.

Commissioner Brown seconded the motion.

The motion passed unanimously (7 - 0).

B. Deer Run Villas (PSP); Daley Design Group, Inc., applicants; Approximately 3.6 acres; Preliminary subdivision plan approval for 28 lot Townhome Development zoned PUD (Planned Unit Development); located on west side of Daneswood Way between South Eagle Circle and Deer Run Country Club. (04-05500018)

Commissioner Dallari – District 1

Michael Rumer, Planner

Mr. Rumer stated that the applicant is asking for Preliminary Subdivision Plan approval for a 26 lot townhome development on 3.6 acres zoned PUD, to be called Deer Run Villas. The subject property is located on the west side of Daneswood Way between South Eagle Circle and Deer Run Country Club clubhouse within the Deer Run PUD. The typical lot size will be over 1,600 square feet. The minimum living area will be 1,300 square feet. The project will connect to Seminole County utilities for water and sewer. The internal roads will be privately maintained. The PSP is subject to all the conditions of the amended Deer Run PUD Developer's Commitment Agreement and the proposed master plan which were both approved by the Board of County Commissioners on October 12, 2004. Staff recommends approval of the Preliminary Subdivision plan for Deer Run Villas.

Commissioner Brown made a motion to recommend approval.

Commissioner Harris seconded the motion.

The motion passed unanimously (7 - 0).

C. Creekside (PSP); BLR Investments, Inc. applicant; approximately 65.63 acres; Preliminary Subdivision Approval for 186 lots, single family townhomes, zoned PUD (Planned Unit Development); located at 7103 N. CR 427. (04-055800025)

Commissioner Carey – District 5

Cynthia Sweet, Planner

Cynthia Sweet introduced the Preliminary Subdivision Plan for the Creekside Subdivision, to include 186 lots for single family townhomes. The subject property is located on the south side of Ronald Reagan Boulevard, west of SR 417. Internal roads will be private. Water and sewer will be provided by Seminole County. The proposed site plan is subject to all the conditions of the approved Creekside PUD developer's commitment agreement. Staff recommends approval of the request.

Commissioner Brown asked if the lake had been a borrow pit.

Ms. Sweet said that it had been a borrow pit.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Harris seconded the motion.

The motion passed unanimously (7 – 0).

Public Hearing Items:

D. Sproul Bible College Rezone; Guy T. Rizzo, Applicant; approximately 32 acres; rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the south side of Wayside Drive, approximately 550 feet east of the intersection of Wayside Drive and Orange Boulevard; (Z2004-066).
Commissioner Carey – District 5 Tony Matthews, Principal Planner

Mr. Matthews stated that on November 15, 2004, the Seminole County Board of Adjustment granted a special exception for a theological studies college on the western 16 acres of the site. The site encompasses 32 acres. The applicant is now asking for PUD (Planned Unit Development) approval on the site which will include the theological studies college and a 21 home subdivision with 11,700 square foot lots consistent with the R-1AA (Single Family Dwelling District) zoning classification. The two existing single family residences will be converted into classroom buildings for the college for up to 70 students. The applicant has stated that the proposed single family residences will be sold for fee simple ownership. These homes are not primarily intended for temporary residences for the students of the proposed Bible College. The property has a future land use designation of Low Density Residential. Staff is recommending approval with staff findings and the conditions within the development order. Mr. Matthews stated that there is a corrected legal description and an amendment to the proposed development order which are requested by the applicant and the County.

Commissioner Tucker asked if the change of the legal description will affect the legal ad.

Mr. Matthews said it would not. Advertising was fine.

Commissioner Harris asked by there was a limitation of enrollment for this application. This was not normally done.

Mr. Mathews explained that it was because of the location. When the special exception came in 70 was the number established. It is consistent with the applicant's wished.

Commissioner Harris asked why a Bible College would want to restrict classes on Sunday.

Mr. Matthews agreed, stating that the condition had come over from the special exception.

Guy Rizzo spoke on behalf of the owners. He anticipates no more than 70 students who will not be having classes on Sunday since they will be at church. This is a theological Bible college. He has no problems with the restrictions.

The existing residences which will be converted to the school access the property from Wayside Drive. They will be used for classrooms and administration for the seminary. The current plan on the screen is a result of a meeting with the homeowners on Paseo Place who have a desire to pave an entrance off of Orange Boulevard to access the property instead of Wayside Drive. We will alter the plan accordingly, with service access from Wayside Drive for the service drive, directors, and officers of the corporation. He would like the development order to be worded accordingly.

John Dwyer spoke in opposition. He distributed a letter from the Berington Club subdivision, located south of the subject property, opposite Wilson Elementary School. He is not opposed to the Bible College itself. What they are opposed to is the R-1AA sized lots within the PUD.

There was a land use change on this property in 1999 by the Board of County Commissioners from Suburban Estates to Low Density Residential. There was not associated rezone. The Board at that time stated that any subsequent changes should come in as R-1AAA in size and should be developed to the same standards as Tall Trees subdivision, which has 13,500 square foot lots that are 100 feet wide. In 2000, the first request on the area parcels came in and was zoned R-1AAA, which the Land Planning Agency/Planning and Zoning Commission supported. In 2004, the same parcel was requested to be R-1AA. The Board felt that this was inconsistent to the promises that had been made to area residents and the request was denied. He would like to see that the

commitment is maintained. Nothing has changed in the area which warrants downsizing of lots. He finished by stating that the residents had no objection to the Bible College. Their concern was for lot size.

Mr. Rizzo stated that tract has 21 lots for housing on 22.68 acres with lots of open space in it. Because of this it can not be considered a down zoning. The Bible College is on 9.68 acres. None of the adjacent homeowners has objected to this.

Commissioner Tucker stated that Lots 1, 9, 10, 11, 16 and 17 look larger. Do they conform to R-1AAA dimensions?

Mr. Matthews stated that there was an 1,800 square foot difference between the R-1AA and R-1AAA zoning criteria. There are 13, 500 square feet in the R-1AAA category. The width at building line for R-1AA is 90 feet and for R-1AAA it is 100 feet. The setbacks are all the same. Minimum size of house is 1,300 in R-1AA and 1,600 square feet in R-1AAA.

Mr. Rizzo said that he had aimed to maximize the open space. If the access is switched to Orange Boulevard, he will loose a lot. His plan meets the intent and purpose of the PUD.

Commissioner Hattaway asked Mr. Rizzo had contacted the contiguous land owners.

Mr. Rizzo stated that he had met with the 4 Paseo Drive homeowners and had been approached about the access and sewers.

For the access to come off of Orange Blvd. all of the homeowners would have to agree to a dedication on their flag lots. The homeowners had no objection to the project.

Commissioner Eismann asked about minimum house size.

Mr. Rizzo said that there would be a minimum of at least 3,000 square feet.

Commissioner Tucker observed that the 1,300 versus 1,600 square feet will not be an issue for Mr. Rizzo.

Mr. Rizzo said that the house size was not an issue, but the lot size was. This will be a covenanted community which will keep quality lots in the PUD.

Commissioner Tucker noted that the sheet handed out noted a change in item 12 of the amendment to the list of people allowed access to include "director of the corporation" and the addition of a number 16 which would add a minimum square footage to meet the R-1AAA standard.

Commissioner Dorworth stated that the purpose of the PUD was to allow some flexibility and that he saw no crowded lots.

Commissioner Dorworth made a motion to approve, adding to item 12 “officers and directors of the corporation only” and adding the R-1AAA house size of 1,600 square feet along with staff recommendations.

Commissioner Tucker asked about item number 5.

Commissioner Dorworth stated that he would like to strike item 5.

Commissioner Bates seconded the motion.

Commissioner Hattaway stated that the applicant agreed to commit to a 3,000 square foot house size.

Mr. Rizzo said that he would like to commit to a 2,200 or 2,500 square foot minimum.

Commissioner Dorworth said that for the sake of compatibility with the R-1AAA zoning criteria, he would stick with 1,600 square foot minimum.

Commissioner Tucker said that at least a third of the lots conform with the R-1AAA classification.

The motion passed unanimously, 7 – 0.

E. Greenway South PUD Rezone; Charles W. Clayton, Jr., Applicant; approximately 23 acres; rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located at the southwest corner of SR 417 (Central Florida GreeneWay) and SR 426 (Aloma Avenue); (Z2004-065).

Commissioner Dallari – District 1

Tony Matthews, Principal Planner

Tony Matthews introduced the application stating that the plan proposes a 266,650 square foot office commercial development. The property has a future land use designation of Higher Intensity Planned Development/Transitional which requires zoning to PUD or PCD prior to approval.

Staff recommendation is for approval. There are 14 conditions and a list of prohibited uses which include off-site signage, (billboards), mechanical garages, paint and body shops, contractor’s equipment storage yards, drive-in theatres, adult entertainment and parking of semi-tractor trailers and cargo boxes except in use for deliveries to the site.

William Buckley stated that he was in agreement with staff recommendations. This is the final piece of the development of the Deep Lake Road/GreeneWay area. The access alignment has been worked out with the Department of Transportation. An agreement has been worked out between Ryland Homes and Mr. Clayton. The site will be mostly commercial. Homeowners who move in the Ryland site will be notified of the project.

Commissioner Dorworth made a motion to approve the request as per staff recommendations.

Commissioner Harris seconded the motion.

The motion passed unanimously (7- 0).

At this time Commissioner Dorworth departed the meeting.

F. Silver Stone Subdivision; Alice Mewes, applicant; approximately 4.89 acres; rezone from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District); located on the north side of E.E. Williamson Road, approximately .15 mile west of Myrtle Lake Hills Road; (Z2004-067).

Commissioner Henley - District 4

Tina Deater, Senior Planner

Tina Deater presented the location of the application and stated that the future land use designation of the property is Low Density Residential which allows the requested R-1A zoning designation. The proposed R-1A zoning is compatible with the surrounding zonings. Staff is recommending approval.

The representative of the owner had no comments at this time, reserving time for rebuttal after public input.

Andrea Ledford stated that she was not opposed to the project, but that she had major concerns with the traffic patterns and impacts to the area. Putting another subdivision in the middle of a school zone will cause serious impacts. She showed pictures of the E.E. Williamson area with traffic near the proposed entrance to the subdivision. At 8:05 A.M. traffic in the area is very heavy and the approach to the proposed subdivision is on a blind turn. There is a crossing guard at E.E. Williamson and Marcy Drive. The subdivision entrances would be very close together and will cause a dangerous situation. The school children cannot see beyond the subdivision. She stated that a stop light will be needed so that residents can exit her subdivision.

Ms. Ledford's second concern was the water retention issue. The retention pond has a design flaw which caused her home to flood and along with 5 others. She wants the water retention to be fixed. She requested that there be a block wall along the property line to keep water from entering her property.

Michael Berger stated that when the retention pond overflows a river comes up in his backyard. His concern was for the drainage and the wall.

Ron Stein represented the Bay Lagoon Homeowner's Association. He stated that his main concerns are traffic and traffic safety as well as flooding. There were 6 homes flooded two years ago, with flooding extending down to the north area of the subdivision. There should be an attractive wall which is acceptable to the people who live in the area.

Susan Keller of Bay Lagoon stated that she also has a problem with the flooding.

Commissioner Tucker stated that the Board is aware of the flooding issue.

Ms. Keller said that this site is about 6 feet higher than her subdivision and that the roadway of E.E. Williamson is also higher. Her child will now have to cross another subdivision entrance. She objects to every small parcel of land being maxed out by development.

Horatio Gonzalez stated that the flooding will be addressed. The subdivision will be required to contain the water on site. He cannot do anything about the height of the subdivision in relation to surrounding lots. That should have been addressed by the developers of adjacent properties.

Commissioner Tucker asked if the retention pond was a joint retention pond.

Mr. Gonzalez said that it was not. It is on the School Board. There is an easement for the pond to work, but the pond is not their property and this subdivision will be required to have all of the water held in their own property.

Commissioner Tucker asked Ms. Deater about the history of actions on the property.

Ms. Deater stated that there had been a special exception on the property in 1970.

Commissioner Tucker stated that there had been a prior question at another public meeting about the joint easement.

Mr. Gonzalez stated that pet owners from the pet cemetery had been contacted as to what they wanted to do with their pet.

Commissioner Tucker asked if there were any state laws pertaining to the closing of such a cemetery.

Ms. Deater stated that she had checked and there are no state laws that apply here.

Mr. Gonzalez again stated that he would have proper retention of stormwater on site.

Commissioner Tucker asked about the block wall that had been requested by homeowners along the eastern boundary.

Mr. Gonzalez said that he had no plans for a wall.

Ms. Deater stated that no wall was required, since a straight rezoning does not require one.

Commissioner Tucker asked Mr. Gonzalez to address the traffic issue.

Mr. Gonzalez said that the traffic already exists. This parcel will not affect the traffic by adding 8 homes. He believes that developed parcels are better than vacant parcels.

Commissioner Brown stated that this is a perfect example of traffic in school zone areas. Perhaps the School Board should take this up at a future time. Something is needed to get the traffic off the road; perhaps a stacking program. The problem exists for a half hour period in the morning and again for a half hour in the evening.

Commissioner Tucker asked Ms. Deater if the School Board had commented on this item.

Ms. Deater stated that no comments were provided by the School Board.

Commissioner Eismann asked if the wall could be addressed at the time of the site plan approval.

Ms. Deater stated that the wall could not be required since it was not required in a straight rezoning.

Commissioner Brown stated that walls are not typically required between subdivisions that have compatible lots.

Ms. Deater said that was correct.

Commissioner Tucker asked Ms. Deater how the drainage issue and traffic issue will be addressed at the time of final subdivision platting.

Ms. Deater stated that the applicant will have to demonstrate that they are not lowering the traffic to an unacceptable level of service. The road is operating at a level of service of "C" with an adopted service level of "E."

Commissioner Tucker asked how many trips per day were to be generated per household.

Commissioner Brown said that it was 9 trips.

Ms. Deater said that for a single family house will generate a little over 9 trips per day.

Tom Radzai stated that Development Review was aware of some significant drainage issues in the area. The pond will be addressed at the time of final site plan review.

Commissioner Tucker asked if the planners could go beyond the 8 proposed houses in the area.

Mr. Radzai stated that the School Board and Seminole County Public Works were working together to address the issue. Right now the solution is to provide and outfall to Grace Lake which is to the northwest of the site. This development must hold its own stormwater alone.

Commissioner Tucker asked if Grace Lake was in the North Ridge subdivision.

Mr. Radzai said that it was. There will be a few challenges involved in getting to the North Ridge site. They will have to go through the school site and acquire easements through the North Ridge subdivision.

Commissioner Eismann stated that this development will not make the surrounding homeowners' problems any worse.

Commissioner Tucker stated that it will not solve any of the previously stated problems, either.

Mr. Radzai stated that the County and the School Board will have to address the problems of the site jointly.

Commissioner Hattaway asked at what stage the School Board and the County were in solving this problem.

Mr. Radzai stated that the School Board was hiring a consultant to solve the problem. One possibility was to create an outfall to Grace Lake; the second alternative was to create a larger and higher berm along the east side of the pond. There is a low point on the east side where the retention pond breeches during a heavy rain.

Commissioner Hattaway asked if reconfiguration of the pond was an option.

Mr. Radzai stated that the eastern side was the problem. Currently, a pump has been installed to pump water to Grace Lake.

Commissioner Hattaway asked if the new berm could not be made as a stop-gap measure.

Mr. Radzai stated that the berm would go beyond what the County currently has easements over. This could be worked on with this development as a positive thing.

Commissioner Tucker summarized by stating that the drainage and traffic would be addressed at the time of final site plan approval.

Ms. Deater agreed.

Commissioner Harris made a motion to recommend approval according to staff recommendations.

Commissioner Eismann seconded the motion.

Commissioner Harris stated that the sheet flow of rain from the property will cease to come off of the higher property. With the development the applicant will be able to work with the County to remove some of the water problems. All in all, the surrounding homeowners should see some relief as the property is developed.

The motion passed unanimously (6 – 0). (Commissioner Dorworth was not present for this item.)

G. New Orleans Townhomes; Max Sabetti, applicant; approximately 9.43 acres; rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) and a small scale land use amendment from SE (Suburban Estates) to MDR (Medium Density Residential); located on the northwest corner of Missouri Avenue and Orange Boulevard. (Z2004-062/11-04SS.FLU01)
Commissioner Carey - District 5 Tina Deater, Senior Planner

Tina Deater stated that the subject property contains approximately 9.43 acres. The applicant is proposing a 54 unit fee-simple townhouse development with a density of 10 units per net buildable acre. The Orange Boulevard study which was recently completed, recommends that the corner of Orange Boulevard and Missouri Avenue be the point of demarcation between residential and non-residential uses. This proposed project is consistent with the study recommendation. To the east is the Fossitt Business Park; to the west is property with Suburban Estates future land use. The Vision 2020

Comprehensive Plan recommends Medium Density Residential as an appropriate transitional land use between such uses. The townhomes will be clustered adjacent to Missouri Avenue and Orange Boulevard. A large, open space wetlands will serve as a buffer to adjacent Suburban Estates property. The proposed townhomes are a suitable transitional use between the future office/warehouses east and to the suburban estates properties to the north and west. The subject property has both water and sewer services available to the site from Seminole County. Under the current land use designation of Suburban Estates the estimated potable water demand from the site is 2,450 gallons per day. The proposed change of future land use designation to Medium Density Residential will result in an estimated potable water demand of 17,420 gallons per day. This increase was not factored into the permitted capacity of the water system. The applicant is currently working with the County to create a mitigation plan for the increase in potable water usage.

Staff recommendation is for approval, including that the applicant will present a mitigation plan at the time of the adoption hearing with the Board of County Commissioners and that it be incorporated into the development order.

Ms. Deater stated that since the preparation of the staff report the applicant has submitted a revised site plan which is different from the one included in the agenda book. It differs in the following way: 1) a 25 foot buffer and building setback has been added along Missouri Avenue; 2) a clear 20 feet has been provided between the front of the garage and the back of the sidewalk along all units; 3) the project footprint has been shifted slightly to the west. This has resulted in an additional wetland impact of approximately .053 acre which will be mitigated with the St. John's River Water Management District prior to the final engineering approval.

Based upon these changes, Staff recommendation is for approval subject to the conditions contained in the revised development order.

Commissioner Tucker asked what the estimated completion date of the bridge for Smith Canal would be.

Ms. Deater stated that the Public Works Department estimates that the date for completion is in May.

Commissioner Harris asked the minimum square footage of the living area of the houses.

Ms. Deater stated that living space is 1,400 square feet under air and 1,700 square feet with garage.

Jean Abi Aoun of Florida Engineering Group is the civil engineer on the project. He stated that he concurs with the staff recommendation. This is not an

affordable housing project. The units will be 1,400 square feet minimum and have a price of approximately \$200,000.00. It will be a 2 story building, with bedrooms on the second floor. There will be a 20 strip by the garages for landscaping.

Commissioner Tucker stated that he had received a handout which stated that this would be a three story project.

Mr. Abi Aoun said it was 2 stories.

Commissioner Brown asked if the parking would be a double-wide driveway to the approach to the single garage, which would give 3 parking spaces for vehicles per unit.

Mr. Abi Aoun said that was correct. This is beyond the required 2 spaces. Parking will be 16 feet by 20 feet in front of each unit.

Commissioner Brown asked if there will be a home owners association.

Mr. Abi Aoun said there would be one.

Kathy Brown of 1730 Beacon Drive stated that she was in favor of the project with a few warnings. Her main concern was no access on Missouri Avenue and that the wall and buffer along Missouri Avenue should mirror the wall and buffer that was approved as part of the Fossitt Business Park on the east side of Missouri. She does agree with the 2 story design. Mr. Sabetti had stated that he would do a nice wall.

Bruce Andersen showed the Board the wall and buffer exhibits that are incorporated into the Development Order for the Fossitt Business Park project. His main concern is that the wall and buffer on the proposed project should mirror this wall and buffer design.

Commissioner Brown stated this wall should mirror the wall along the Fossitt Office Park.

Commissioner Tucker noted for the record that David Heinkel submitted 2 pages of signatures in opposition to the project. Density of 10 units per acre was an issue, not the looks of the townhouses. Since the hurricanes, flooding in the area has been serious. Bears and other wildlife live there. How will this project impact the environment?

Marilyn Hendricks stated that she lives across from the property. Traffic in the area is horrible. This should be one acre lots, not townhomes.

Dennis Smathers lives in St. Johns River Estates. He was concerned about ground water and drainage. Wells could become contaminated with runoff. The water table is too high for underground utilities. Missouri Avenue has been under water multiple times. Where will the children go to school? What is the effect on the proposed Western Beltway?

Penny Sheipe stated that she is in favor of the project. She is concerned about the back of her property.

Tom Sheipe stated that the Smith Canal restoration project is in progress now.

Marcia Langois is a future homeowner in the area. She asked that the County please address the flooding issue. She stated that she had contacted Public Works and found no great concern for this problem.

Max Sabetti addressed the issue of density, stating that a study was done of the Orange Boulevard area. This project is in line with that proposed density. Traffic studies have been done. Nobody likes traffic, but it is a fact of life. He also said that placement of underground power lines can be accomplished.

Mr. Sabetti said that this development would not be conducive to buyers who wanted a dog, yard, and fence. We are willing to shift the wall in order to place the landscaping. We will mirror the wall across the street.

Mr. Abi Aoun said that a 6-foot masonry wall would run on the west side of the property. Drainage will be excellent with 29 percent impervious land, which is very low. We can make the drainage work on this project. Look at the downstream problems.

Commissioner Tucker asked if the Smith Canal touched the property.

Mr. Abi Aoun stated that only one corner of the property touches the canal on the northwest corner of the property. There is no easement there. We can work with the County on a drainage easement.

Commissioner Harris asked if there would be a 16 foot X 20 foot parking pad with each unit.

Mr. Abi Aoun said that his client had committed to that.

Commissioner Harris asked if he would commit to a wall mirroring the wall on the Fossitt Business Park property.

Mr. Abi Aoun said that he would commit to that also.

John Miklos noted that there are 2 gopher tortoises to relocate on the site.

Mr. Sabetti said that the community will be gated with walls on 3 sides.

Carla Shryock asked what would happen if this project did not go on? What if the quality of the project is downgraded?

Commissioner Tucker asked Ms. Shryock what issues she was concerned with.

Ms. Shryock said that she was concerned for the value of property going down.

The public hearing was now closed.

Commissioner Tucker asked Ms. Deater to review the line of demarcation for non-residential uses.

Ms. Deater stated that the non-residential uses would stop on the east side of Missouri Avenue, which is the dividing line between residential and non-residential uses. This project is an appropriate transitional use.

Commissioner Harris made a motion to recommend approval with staff recommendations and the following additional condition:

That the wall and landscaping adjacent to Missouri Avenue shall mirror the wall and landscaping that was approved on the east side of Missouri Avenue as part of the Fossitt Business Park PCD.

Commissioner Eismann seconded the motion.

Commissioner Tucker asked if that included the addition of the dedication of Smith Canal right of way.

Mr. Abi Aoun said that it would be included if it is within the 7.83 acres that they own. It could be included in the motion.

The motion passed by unanimous consent (6 – 0). (Commissioner Dorworth had left the meeting.)

VII. Planning Manager's Report

Alice Gilmartin distributed a fact sheet which will be part of the update to the Board of County Commissioners on February 22, 2005. She asked the commissioners to contact either Tom at extension 7342, or Alice at extension 7353 with questions or comments.

There being not further business, the meeting adjourned at 9:10 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson