

MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, MARCH 2, 2005

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

Also present: Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Cynthia Sweet, Planner; Rebecca Hammock, Principal Planner; Denny Gibbs, Planner; Michael Rumer, Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order at 7:00 P.M. All members of the Commission were present. Chairman Tucker reviewed the procedures used in conducting the forthcoming meeting.

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

Commissioner Bates seconded the motion.

The motion passed unanimously.

Commissioner Eismann made a motion to accept the minutes for the last meeting as submitted.

Commissioner Brown seconded the motion.

The motion passed unanimously.

TECHNICAL REVIEW ITEMS:

A. Wekiva Centre II; Mayo Graham, Applicant; approximately 1.52 acres; Preliminary Site Plan approval for a 19,200 square foot office zoned OP (Office Professional District); located at 385 Wekiva Springs Road.

Commissioner Van Der Weide – District 3
Rebecca Hammock, Principal Planner

Rebecca Hammock introduced the application for a preliminary subdivision plan on the property zoned OP (Office Professional District) with a future land use of Office. She stated that the property had been rezoned in 1983. This site plan is substantially different from the original site plan submitted with the rezone. The current plan will have 19,200 square feet of office space on 1.52 acres, with cross-access with the adjacent complex. Staff recommendation was for approval.

Commissioner Harris made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (7 – 0).

B. Old Lockwood Road PSP; Al Ghandour, Applicant; approximately 9.86 acres; Preliminary Subdivision Plan approval for a single family subdivision with 26 lots zoned R-1A (Single Family Dwelling District); located on the west side of Old Lockwood Road, 0.5 mile north of McCulloch Road.

Commissioner Dallari – District 1
Cynthia Sweet, Planner

Cynthia Sweet introduced the application for a preliminary subdivision plan approval for 26 single family lots on 9.86 acres zoned R-1A (Single Family Residential District). Staff recommendation is for approval.

Commissioner Eismann made a motion to recommend approval.

Commissioner Brown seconded the motion.

The motion passed unanimously (7 – 0).

C. Amber Lake Townhomes (PSP); Legacy Investments, LLC, Applicant; Approximately 9.68 acres; Preliminary Subdivision approval for 86 townhome units, zoned PUD; Sr 434, east of U.S. Highway 17-92.

Commissioner Morris – District 2
Denny Gibbs, Planner

Denny Gibbs introduced the request for preliminary subdivision plan for Amber Lake Townhomes in the Sunlake Planned Unit Development. The site is 9.68 acres and will have 86 lots. Staff recommendation is for approval.

Commissioner Brown made a motion to recommend approval.

Commissioner Harris seconded the motion.

The motion passed unanimously.

PUBLIC HEARING ITEMS:

D. Jackson Street Rezone; Forrest Jackson, Applicant; approximately .21 acres; Rezone from R-1(Single Family Residential) to R-2 (Multi-Family Residential District); located on the west side of Jackson Street approximately 2,200 feet north of the intersection of Jackson Street and S.R. 436 in Altamonte Springs. (Z2005-001)

Commissioner Henley – District 4
Michael Rumer, Planner

Michael Rumer introduced the request by Forrest Jackson to rezone from R-1 (Single Family Dwelling District) to R-2 (Multi-family Dwelling District). Mr. Rumer stated that the surrounding properties are zoned R-1. The nearest R-2 parcel is 330 feet away. The trend of development in the neighborhood is single family dwellings. Staff recommendation is for denial.

Quentin Freeman spoke on behalf of his grandfather, stating that Mr. Jackson has owned the property for 20 years. Surrounding is vacant or rundown properties. This building will be an enhancement to the neighborhood. There is multi-family use only 300 feet away. Mr. Freeman stated that this is a double lot. Family members may be living here.

Commissioner Tucker asked if the building will be used for renters.

Mr. Freeman stated that he lives in Orlando, but that he could be moving there.

Commissioner Brown asked how many other duplex units were in the neighborhood.

Mr. Freeman stated that there are at least 4 duplexes in the area.

Commissioner Hattaway stated that she had visited the site. There is multi-family usage in the area. The request is reasonable.

Commissioner Eismann asked if the requested use will meet the Land Development Code criteria.

Mr. Rumer stated that it would. The code calls for a minimum of 1,400 square feet dwelling space, with 700 square meet minimum per side.

Mr. Freeman showed a diagram of the potential house.

No one spoke from the audience.

Commissioner Harris questioned the logic in recommending denial of this project.

Mr. Rumer explained that the plat has 50-foot lots which allow R-1BB (Single Family Dwelling District) zoning. This would be putting R-2 (Multi-family Dwelling District) zoning in the middle of single family zoning. Allowing R-2 zoning here would change the trend of development.

Commissioner Tucker stated that the map of homesteaded lots indicates owner-occupied single family dwellings in the area. Rental units and homesteaded single family homes tend to have a difference. There is a pride of ownership. The homes are older homes. There are single family detached homes to the east. Vacant lots will become duplexes. We will be opening up a string of rental properties if we approve this request.

Commissioner Dorworth disagreed. He stated that there is a community feeling here. The duplex would not diminish the neighborhood.

Commissioner Dorworth made a motion to recommend approval.

Commissioner Harris seconded the motion.

Commissioner Tucker stated that this will have an adverse impact.

The motion passed by a vote of 6 – 1 with Chairman Tucker voting “no.”

E. Arletta Street Rezone; Hugh Harling, Applicant; approximately 5 acres; rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District); located on the north side of Arletta Street, approximately 0.3 mile east of SR 434. (Z2005-007)

Commissioner Van Der Weide – District 3
Jeff Hopper, Senior Planner

Mr. Hopper stated that the request is for a change from A-1 (Agriculture District) zoning to C-3 (Commercial District) zoning. The parcel has an Industrial future land use designation. The site is an existing greenhouse facility. There is an existing commercial site to the north. This property will be an expansion of the existing commercial use adjacent to the site which is for RV storage. The greenhouse will be removed and the site will be covered with a stabilized surface suitable for parking. Site plan approval will address issues such as access,

drainage, buffering and outdoor lighting subsequent to the rezoning. Staff recommendation is for approval.

Commissioner Tucker asked about the extension of the road.

Mr. Hopper stated that Mr. Harling would address that issue.

Hugh Harling stated that he concurred with the staff comments. Gateway Drive is part of an extension that services the shopping center immediately to the west. It will be extended along Arletta Street to Keller Road which will tie into Maitland Boulevard as part of an Altamonte Springs project. He is working with the City of Altamonte Springs on the alignment to have good traffic conditions in the area.

Commissioner Tucker asked if there will be a 4 lane divided roadway.

Mr. Harling said that it would be.

Commissioner Tucker asked if the section of Keller Road that runs by the Altamonte Springs sewer plant would be expanded.

Mr. Harling said that the City is developing a professional center east of the sewer plant.

Commissioner Harris asked if it was intended that this area extending down to SR 434 be annexed into the City. The area north of Maitland Boulevard would be developed into a large complex of professional and commercial uses which would be an extension of Maitland Center.

Mr. Harling said that it is a matter of speculation at this time. He could not say. Across the street, the property is already in the City. This is an island of non-city land. There are some residential uses. The City has purchased the existing utilities. Annexation is a matter of speculation.

Commissioner Harris asked if this is part of the long-range plans for the area.

Mr. Harling stated that it is part of the long range plans for both the City and the County. They both have the same plans for the area as far as land use and compatibility goes.

Earl Mike of 784 Arletta Street has lived in the area since 1961. He concurs with the C-3 rezoning. He has concerns with the changes in the roads in the area. Residents do not know what is going on. It is hard to find out. He needed the information that was given out tonight. He was concerned about the development of Arletta Street.

Chairman Tucker said that the details will be worked out in site plan approval.

Mr. Mike said that his land is south and west of the subject site. He had previously been quoted a low price for his land. He is encouraged with this development, since the value of his land is going up.

Commissioner Tucker said that the access to the site will be to the south.

Mr. Mike said that he and his neighbors ask for the recommendation of approval.

Mr. Harling stated in closing that the trees that had been removed in the area had been taken down in order to lay fiber-optic cable. The work was unrelated to his project.

Commissioner Harris made a motion to recommend approval.

Commissioner Bates seconded the motion.

Commissioner Hattaway stated that the property owner is a family member, but she has no personal or financial interest in the application.

The motion passed unanimously (7 – 0).

F. Bill Heard Chevrolet PCD Major Amendment; Jennifer Eden, Applicant; Major Amendment to the Bill Heard Chevrolet PCD (rezone from PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District) on approximately 25.0 acres, generally located on the north side of SR 46 between Oregon Street and Interstate 4. (Z2005-012)

Commissioner Carey – District 5
Tina Deater, Senior Planner

Tina Deater introduced the Bill Heard Chevrolet PCD Major Amendment and approval of Addendum #2 to the Bill Heard Chevrolet Planned Commercial Development Developer's Commitment Agreement. The subject property contains approximately 25.0 acres, and is generally located on the north side of SR 46 between Oregon Street and Interstate 4.

The applicant requests a Major Amendment to the Bill Heard Chevrolet Planned Commercial Development (PCD), in order to allow the use of outdoor sound amplification devices. Currently the PCD Developer's Commitment Agreement that was approved on December 14, 1999, prohibits the use of outdoor sound amplification devices.

Bill Heard Chevrolet was given a verbal citation by Seminole County Code Enforcement on March 1, 2004 for using an outdoor sound amplification system.

Code Enforcement inspection reports indicate that the auto dealership continued using the outdoor sound amplification system, and on September 23, 2004 it was ordered by the Code Enforcement Board that the, "Respondent cease and desist the use of the outdoor sound amplification device until an amendment to the Development Order is approved. If an amendment to the Development Order is not approved, remove all outdoor amplification devices by January 7, 2005. If the Respondent fails to comply with section (2) of this Order, a fine of \$250.00 per day will be imposed for each day the violation continues or is repeated." As of the date of the writing of this report, Bill Heard Chevrolet is still accruing a \$250.00 a day fine for continuing to use an outdoor sound amplification system. Bill Heard Chevrolet was scheduled to go before the Seminole County Code Enforcement Board again on February 24, 2005 and the County was requesting issuance of an order imposing a \$11,500.00 lien be placed upon the property due to unpaid fines. This item was withdrawn from that agenda by the Code Enforcement Officer because of a possible conflict of interest by two board members and will be rescheduled on a future agenda. As a result of the code enforcement action, the applicant proposes to amend the Developer's Commitment Agreement as shown in the draft Addendum #2 in the agenda package. Staff's analysis of the request has determined that the Bill Heard Chevrolet PCD is located in an area with an increasing residential population. There is a second phase of the Dunwoody townhouses to the west currently under site plan review. There is also a townhouse project proposed to the north that is currently undergoing a large scale land use amendment and rezoning. Staff's opinion is that the permanent use of outdoor sound amplification devices is not compatible with the residential nature of the surrounding properties. Therefore, staff recommends denial of the proposed PCD amendment and the proposed Addendum #2 to the Bill Heard Chevrolet Planned Commercial Development Developer's Commitment Agreement.

Jennifer Eden spoke on behalf of Bill Heard Chevrolet. She stated that the dealership had been cited in March of 2004 for use of the outdoor amplification system. The system was deactivated on August 14, 2004. This dealership covers a large area. The Land Development Code says that no outdoor amplification of sound is allowed after 11 P. M. She would like to have use of the system from 10 A.M. to 5 P.M. She wanted to know if there were any parameters in which the outdoor use of sound would be allowed during regular business hours.

No one spoke from the audience in favor of the application.

Tina Demostene of Glatting Jackson (33 E. Pine St., Orlando, Fl) represented Pulte Homes. She stated that she agreed with staff recommendation for the denial of the request to allow sound amplification. She represents the homeowners association and has received many complaints concerning the sound coming from the car dealership. When the PCD was approved it was approved with no outdoor amplification. That should remain.

Commissioner Tucker asked if Glatting/Jackson had represented the Cadillac dealership in their application.

Ms. Demostene stated that Shutts and Bowen had handled that application.

Commissioner Brown asked Ms. Eden why the dealership wanted outdoor amplification of sound.

Ms. Eden stated that the site was large and had 4 buildings.

Commissioner Brown asked if they had tried text messaging and use of e-mail, and other technologies.

Commissioner Hattaway observed that the Code violations had been for loud music.

Ms. Eden stated they had tried other technologies and had found them cumbersome. She stated that there had been no citations since August 5. The sound was music which had been played by an employee on a weekend. That was an extraordinary event. She would like sound in the future to be used only for business purposes. In the past, some such uses have been allowed.

Commissioner Tucker asked about the decibel level to be used. Had any sound studies been done?

Ms. Eden stated that the Code says it must be of a reasonable level. She did not know the decibel level. She had checked previous applications of other dealerships and some had been allowed to have outdoor sound. She did not see any decibel level in the Code.

Ms. Deater said that there was no actual decibel level in the Code. The Code stated that the definition of a noise disturbance is on that may be 1)harmful or injurious to the health, safety, or welfare of any individual, or 2) unreasonably interferes with enjoyment of life, quiet, comfort, or outdoor recreation of an individual of ordinary sensitivity and habits or 3) endangers or injures one's real or personal property.

Commissioner Brown noted that there is such a thing as a special event permit for one time events with sound.

Ms. Deater agreed and stated that such applications were approved by the Board of County Commissioners.

Commissioner Tucker noted that he had used a sound meter at another car dealership and had noted a 100 decibel level of sound.

Ms. Eden stated that the Heard dealership sound system can be calibrated.

Commissioner Tucker noted that a factory has a decibel level of 80, for an orchestra, a level of 90. This dealership is within a quarter mile of homes. Sound was an issue with the application for amplified sound at a restaurant next to BJ's Wholesale Club. He cannot vote to approve this.

Commissioner Harris stated that the owner had signed an agreement which included the specific exclusion of use of sound. The owner then invested in a sound system, in violation of the agreement. The money could have been spent on a paging system, which would not disturb the neighbors.

Commissioner Harris made a motion to recommend denial of the request.

Commissioner Brown seconded the motion. He stated that there is no reason to have this, with the technology available today.

The motion to deny passed unanimously (7 – 0).

At this time Dan Matthys, newly appointed Director of Planning and Development, came forward to introduce himself to the Board.

There being no further business, the meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson