MINUTES FOR THE
REGULAR MEETING OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION

WEDNESDAY, APRIL 6, 2005
7:00 P.M.

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

Member absent: Richard Harris

Also present: Dan Matthys, Director of Planning and Development; Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Kim Romano, Assistant County Attorney; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Commissioner Brown was not present at the beginning of the meeting.

Chairman Tucker called the meeting to order at 7:00 P.M. A quorum was established. Commissioner Tucker introduced the members of the Commission and reviewed for the audience the manner in which the meeting was to be conducted and the procedures for voting.

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

Commissioner Bates seconded the motion.

The proof was accepted by a vote of 5 – 0. (Commissioner Brown was not present at this time.)

Commissioner Dorworth made a motion to accept the minutes for the January 19, 2005 special meeting and the March 2, 2005 regular meeting of the Commission.

Commissioner Bates seconded the motion.

The minutes were accepted by a vote of 5 – 0. (Commissioner Brown was not present at this time.)

Commissioner Tucker recognized a group from Rollins College that was observing the meeting this evening.

PUBLIC HEARING ITEMS:

A. **Wayside Drive (5680); Advanced Eye Care**; **Ben Larson, applicant**; approximately 1.85 acres; rezone from A-1 (Agriculture District) to OP (Office Professional District) and Small Scale Land Use Amendment from LDR (Low Density Residential) to Office; located on the northeast corner of Wayside Drive and Orange Boulevard. (Z2005-010/02-05SS.01)

Commissioner Carey – District 5
Tina Deater, Senior Planner

Tina Deater introduced the Wayside Drive Advanced Eye Care Rezone from A-1 to Office Professional and Small Scale Land Use Amendment from Low Density Residential to Office. The subject property contains approximately 1.85 acres and is located on the northeast corner of Wayside Drive and Orange Boulevard.

The applicant proposes to convert the existing daycare on the subject property into an eye care clinic.

The trend of development along Orange Boulevard between SR 46 and Wayside Drive is toward non-residential uses. The subject property is currently being used as a daycare facility. There is a veterinary clinic across Orange Boulevard from the subject property, a church to the south across Wayside Drive and a church on the adjacent property to the east. The Sproul Bible College PUD was recently approved on Wayside Drive also. The Office land use will function as a transitional land use between the more intense Commercial development to the north and west and the Low Density Residential/Suburban Estates uses to the south and east.

The proposed rezone and land use amendment will result in a decrease of 22 Average Daily Trips.

The existing daycare utilizes a well and septic system for water, sewer services and irrigation. Seminole County water and sewer services are available to the site, however the applicant will not be required to hook into the system until the existing building is expanded, or the septic tank requires replacement. The applicant will be required to undergo site plan review for any proposed improvements to the site, once the rezone is completed.

Staff recommends approval of the requested Small Scale Land Use Amendment and rezone, subject to the development order contained in the staff report.

There were no questions from the Commissioners.

Commissioner Hattaway made a motion to recommend approval of the request, subject to the conditions listed in the staff report.

Commissioner Dorworth seconded the motion.

The motion passed by a vote of 5 – 0. (Commissioner Brown was not present for the vote.)

Commissioner Brown entered the meeting at the beginning of the following presentation.

> **B. <u>David & McElyea Law Office</u>; Mike Hattaway / Jim Hattaway, applicants**; approximately .87 acres; rezone from R-1AA (Single Family Dwelling District) and RP (Residential Professional District) to OP (Office Professional District); located on the southeast corner of Faith Terrace & Maitland Avenue. (Z2004-068)
>
> Commissioner Henley - District 4
> Tina Deater, Senior Planner

Tina Deater presented the David and McElyea Law Office Rezone from R1-AA and Residential Professional to Office Professional. The subject property contains approximately 0.87 acres and is located on the southeast corner of Faith Terrace and Maitland Avenue.

The applicants are requesting a rezone from R-1AA and RP to OP, in order to build a two-story 10,044 square foot law office. The law office is currently operating out of two single-story buildings on the subject property. The future land use designation of the subject property is Office, which allows the proposed OP zoning classification.

The applicants are requesting a waiver to allow a two foot deep stormwater swale to encroach 15 feet into the required 25-foot buffer along the east property line. Under Section 30.1232 of the Land Development Code, the Planning Division Manager may allow stormwater retention/detention facilities to encroach into designated landscape buffers to a maximum of fifty (50) percent upon making a finding that all planting and structural requirements of the landscaping provisions of this Code are met and the visual screen provided by the bufferyard will be fully achieved and maintained. Retention areas shall be designed to be dry within twenty-four (24) hours of a twenty-five (25) year storm event and not to require fencing around such areas. The Planning Division Manager could allow the swale to encroach 12.5 feet into the buffer. Staff's opinion is that a two-foot deep swale will not interfere with the planting, buffering and wall requirements of the active/passive bufferyard standards. Therefore, staff recommends approval of the deviation to allow a two foot deep swale to encroach 15 feet into the required 25 foot buffer along the east property line, provided that the landscaping and buffering requirements of Section 30.1232 of the Seminole County Land Development Code are met.

The applicants are also requesting variances to allow the parking lot to encroach into the 25-foot front yard setback required along Maitland Avenue and Faith Terrace, as

shown on the site plan in the attached development order. The OP zoning district requires a 25-foot landscaped setback that cannot be paved or used for parking along all street rights-of-way. The applicant proposes to allow the parking area to encroach a maximum of 16 feet in this setback. This variance will be considered by the Board of Adjustment at May 23, 2005 meeting. Staff recommends that the proposed rezone to OP be conditioned upon the granting of these variances by the Board of Adjustment.

Staff recommends approval of the rezone from RP and R-1AA to OP, subject to the development order in your staff report, and with the following conditions:

1. The granting of a front yard setback variance by the Board of Adjustment as shown on the site plan in the attached development order. If the Board of Adjustment denies the variance request or approves a variance that requires a modification to the attached site plan, the applicant shall have to submit a revised site plan for review and approval by the Development Review Committee, Planning and Zoning Commission and Board of County Commissioners; and

2. A two-foot deep swale shall be allowed to encroach 15 feet into the required 25 feet buffer along the east property line, provided that the landscaping and buffering requirements of Section 30.1232 of the Seminole County Land Development Code are met.

Commissioner Tucker asked if there are any other variances in this area. Had we approved a two story in the area previously?

Ms. Deater stated that there had been a Subway office approved in the area.

Commissioner Tucker asked Matt West if he knew.

Matt West stated that there were sites in the area that had been approved with RP (Residential Professional) zoning, such as the Zelman Building. RP zoning does not require the 25 foot buffer that OP (Office Professional) zoning requires. There have been other sites requiring waivers.

Mike Hattaway spoke on behalf of the applicants. He stated that the applicant's law firm had been in the current location for 15 years. They would like OP zoning and needed a site plan to do this. Mr. Hattaway thanked the staff for their assistance during the preparation of the project. He concued with the staff recommendations.

Mr. Hattaway used an area map to demonstrate the location of 5 neighbors who had approved of the application. He explained that there were other neighbors in the audience who will speak. Mr. Hattaway stated that he would like to have the opportunity to respond to the comments and questions from the speakers when they are finished.

Commissioner Brown asked if the front elevation of the property would remain raised up in the front with the wall in place.

Mr. Hattaway deferred to Jack Reynolds, the project engineer.

Jack Reynolds of American Civil Engineering stated that the wall at the front will be removed, as well as a large dead tree which will improve line of sight visibility on the road adjacent to the building.

Robert H. Threadgill of 111 Oakwood Drive was concerned about the cars from the law office leaving the site by Oakwood Drive, which is a small private street. He would like a wall put along Oakwood Drive to keep the cars from going onto the road.

Susan Reel of 102 Oakwood Drive said that a 2 story building is out of keeping with the area and that it would not suit the neighborhood.

Rolly Reel of the same address said that if this is approved, other taller structures would follow. He owns the lot across from the current law office building and is going to have it rezoned to RP rather than OP because of height. He would like a single story building.

Anita Denny lives immediately behind the subject property and was concerned that this project would depreciate the value of her property. She did not want a 2-story building.

Commissioner Tucker asked Ms. Deater to address the height restrictions currently in place on the site.

Ms. Deater stated that the current restriction is 35 feet. The only limitation would come on parking.

Mr. Hattaway stated in rebuttal that there would be no access or traffic on Oakwood Drive. He is required to put in a hedge along the road there. The septic field is on the Oakwood Drive side, so there will be no parking near there. The height allowance now is 35 feet. The current future land use designation on the property is Office.

Commissioner Hattaway stated she would remove herself from the voting on this item.

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

Commissioner Dorworth seconded the motion.

Commissioner Eismann stated that this will be an improvement to the area.

Commissioner Brown stated that there was a 2 story school a few blocks away.

The vote was 5 – 0 in favor of the motion. Commissioner Hattaway did not participate in the vote.

C. <u>Monroe Commerce Center Phase III</u>; Pat Callaway/RealVest Development LLC, applicant; approximately 6.345 acres; rezone from A-1 (Agriculture District) to PCD (Planned Commercial District); located on the east side of Elder Road, and south of School Street. (Z2005-008)

Commissioner Carey – District 5
Jeffrey Hopper, Senior Planner

Jeff Hopper stated that the applicant, Pat Callaway, is requesting a rezone from A-1 to Planned Commercial Development on approximately 6.3 acres on the east side of Elder Road, south of School Street. The subject property has a HIP-Target Industry future land use.

This request is an expansion of Monroe Commerce Center, an existing PCD currently approved for office-warehouse uses. The proposed new development would take access through the existing development, which fronts on Church Street to the south. In Phase 3, the applicant is proposing 2 new buildings 18,000 and 41,400 square feet in size, for a total floor area of 59,400 square feet. This floor area would be allocated as approximately 35% office use and 65% warehouse use.

Permitted uses would be those allowed in M-1A and C-3 zoning. Prohibited uses would include self-storage, restaurants and motels.

An outdoor storage area, adjacent to Building B on the north end of the site, would be limited to use by tenants of the development. This area would be fenced and screened so it is not visible from School Street or Elder Road.

The site plan shows no direct access to Elder Road, and a 25-foot landscape buffer would be located along that frontage. The applicant would also provide 6-foot masonry walls adjacent to residential properties at the NW and SW corners of the site.

Mr. Hopper closed by stating that Staff recommends approval of the request subject to conditions listed in the staff report and Development Order, with 1 correction: Item D: "6-foot masonry wall shall be provided along the <u>north</u> boundary..."

Pat Calloway of 2200 Lucien Way, Maitland stated that this project was a continuation of a previously approved project. He requested approval for this segment.

Janice Farrow of 975 North Elder Road was concerned with the condition and future development of Elder Road. She stated that the road is a dirt road now; she wanted information on how and when it would be paved. Houses sit near the road. She was concerned that any development would devalue her house. She bought a home in a rural neighborhood two years ago. This will change things drastically.

Commissioner Tucker asked Mr. Hopper about the status of Elder Road.

Mr. Hopper stated that this project accesses other roads. Development Review would address other questions.

Tom Radzai stated that this road will be improved into a 4-lane, divided road. Land would be purchased for the right of way.

Commissioner Tucker stated that plans in the area have been on-going for years.

Janice Farrow stated that she had checked on the status of any projects in the area before moving, and that she had been told that nothing was going on there.

Commissioner Tucker explained that the area around and including the subject property has been designated High Intensity future land use for years. The residential area is being gradually phased out.

Tom Radzai stated that, upon checking other sources, he had learned that there will be a 24-foot road.

Commissioner Tucker asked about the drainage in the area.

Mr. Radzai stated that there is a stormwater retention area planned on Narcissus Road.

Commissioner Tucker restated that the area has not been designated for residential use in the future land use designation.

Ms. Farrow asked how much of the property would be developed.

Commissioner Tucker stated that eventually the entire property would be developed.

There were no further comments from the floor. The public hearing was now closed.

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

Commissioner Eismann seconded the motion.

The motion passed by a vote of 6 – 0.

D. <u>Forest Lake Academy PUD</u>; John Percy, applicant; approximately 258.5 acres; rezone from PUD (Planned Unit Development District) to PUD (Planned Unit Development District); located on the north side of SR 436, west of West Lake Brantley Road, and south of Sand Lake Road. (Z2005-011)

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

Mr. Hopper introduced the request by John Percy for a Rezone from PUD to PUD on 258 acres on the north side of SR 436, west of West Lake Brantley Road, south of Sand Lake Road.

The subject property currently has approval as 2 separate PUDs, both under the ownership of the Florida Conference of Seventh Day Adventists. This application would combine the two developments under a single plan, with some rearrangement of the permitted land uses. The original Forest Lake Academy PUD, approved in the 1990s, consists of 359 dwelling units and 30 acres of commercial and office uses. The second PUD was approved in 2001 and included the sites of the existing Forest Lake Academy and Forest Lake Church. In addition, it established tracts for retail uses and an assisted living facility.

The new proposal consolidates the two projects and updates the proposed land uses to reflect some new development concepts. The church and school sites would be placed together in Tract 3, a 69-acre tract permitting institutional uses.

Additional institutional uses would be allowed in Tract 4, a 26-acre parcel connecting to Sand Lake Road.

Tract 1, also accessing Sand Lake, would consist of 112 single family units on 44 acres.

All commercial uses would be located in Tract 2, consisting of 48 acres at the SW corner of the PUD adjacent to the Bear Lake Road intersection.

The new PUD would eliminate designated tracts for multi-family, office and assisted living facility uses while increasing commercial floor area from 314,000 to 355,000 square feet.

Mr. Hopper clarified a statement in the staff report indicating that multi-family use is being eliminated. Actually, only the multi-family tracts are being eliminated, but multi-family units would still be an option within the Commercial tract. Also allowed within this tract would be office and institutional uses. Maximum multi-family development in Tract 2 would be 247 units, which is the same number allowed under the existing PUD approval.

Actual development on Tract 2 could be entirely commercial, or some mixture of uses, but these would be limited to a traffic generation rate equivalent to 355,000 square feet of commercial use.

Overall traffic volumes for the new PUD would be approximately the same as would be generated by the existing PUD plans.

Staff recommends approval subject to conditions listed in the staff report and the Development Order, with the following clarifications:

Item A: Add a statement that "traffic generation of all development in Tract 2 shall be limited to the equivalent of 355,000 square feet of commercial floor area."

Permitted uses for Tract 2 will include the following:

- 24-hour commercial uses
- a maximum of 247 multi-family units
- office uses
- institutional uses

Item H: Add: "The existing communication tower may be retained and/or relocated within Tract 2."

Item J: Delete multi-family housing from list of prohibited uses

Item N: "The development shall be limited to 3 access points on SR 436 in addition to the Bear Lake Road extension."

Frank McMillan of 655 Wymore Road stated that he agrees with the staff recommendations. He has been a member of Forest Lake for 41 years. The Academy has changed from a boarding school to a day school. 15 years ago the church sold off the land that became Barrington Apartments. None of the property in the northwest corner has been developed. In front of the Academy there is commercial use indicated. The church may relocate to the ease. The commercial use in from to the school would be eliminated. Mr. McMillan stated that the Forest Lake community is 80 years old and is not going away. With the approval of this request, Tract 2 may be developed. No additional traffic will come to Sand Lake Road. It is appropriate to combine the 2 PUDs.

Julie Vandenriessche stated that she lives in Sandy Lane Reserve. Her lot adjoins the cemetery property. Her concern is with wetlands and drainage, and the possible back-up into the neighborhood.

Commissioner Tucker stated that drainage issues in the area had been previously addressed.

There were no further comments from the floor.

Mr. McMillan stated that Forest Lake has been working with all authorities concerning the drainage in the area for over 25 years.

There were no further comments from the floor.

Commissioner Dorworth made a motion to recommend approval with Staff recommendations.

Commissioner Bates seconded the motion.

The motion passed by a vote of 6 – 0.

E. <u>Tradition at Red Bug PUD</u>; CPH Engineers, Inc./Javier E. Omana, applicant; approximately 44 acres; rezone from A-1 (Agriculture) to PUD (Planned Unit 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 the Slavia Road intersection. (Z2004-013)

Commissioner Dallari - District 1
Jeffrey Hopper, Senior Planner

Mr. Hopper introduced the request by Javier Omana for a Large Scale Land Use Amendment from LDR to Planned Development (PD) and Rezone from A-1 to PUD on 44 acres of land east of Mikler Road and south of Red Bug Lake Road, at the Slavia Road intersection.

The applicant is proposing a mixed commercial and residential development on the subject property, previously the site of a Planned Commercial Development request known as Mikler Shoppes.

This request would result in approximately 133,000 square feet of commercial area and 250 multi-family residential units on the site.

Mr. Hopper stated that the earlier item went through extensive review by County staff and the State of Florida as a Large Scale Land Use Amendment in the Fall 2004 Amendment Cycle. That proposal consisted of 140,000 square feet of commercial use, 54,000 square feet of office use, and 50 dwelling units. At the adoption hearing in December, the Board of County Commissioners voted to continue the item to the Spring 2005 cycle so the plan could be revised to show less intensive commercial uses mixed with a larger component of residential use on the site. Tradition at Red Bug is the response to that directive.

As currently proposed, total commercial use would be 133,299 square feet, with the anchor store being 95,617 square feet in size. (By comparison, the largest building in Mikler Shoppes would have been 40,000 square feet.)

There are some technical issues with the site plan before you tonight. The boundary between the subject property and the CA Stone PCD, located at the SE corner of Mikler and Red Bug Lake Roads, is drawn incorrectly. The new project's entrance drive from

Mikler Rd. veers slightly north, encroaching on the other site, which is not part of this request even though it is shown on the site plan.

Another problem is that the plan does not provide acreage information on floodplains, wetland and road areas within the residential part of the site. Therefore an accurate calculation of net density cannot be made. However, it appears that density will exceed 10 units per net buildable acre, raising a compatibility issue with adjoining Low Density Residential areas.

Mr. Hopper stated that the new proposal is a departure from the Board's expressed desire to see a mixed use project with a village design concept, as opposed to a conventional suburban shopping center, with residential uses located in a separate area.

Compared with the Mikler Shoppes plan, proposed buffers along the west and south have been significantly reduced. The village concept, which would have mixed residential and commercial uses together, has been eliminated. Both of these features were intended to provide an effective transition between intense commercial uses along Red Bug Lake Road and the single family areas to the south and west.

Staff recommends denial of the request because it does not comply with the "Village" development concept established by the Board.

Javier Omana introduced the contract purchaser of the subject property, Steve Walsh.

Mr. Walsh stated that assembling all of the pieces of this site was difficult. He and his partners are responding to Commissioner Dallari who said he wanted less retail and more residential uses in the site. Mr. Walsh said that he supports the Red Bug Coalition stance.

Mr. Walsh stated that the engineering and soil conditions on the site are severe. Costs associated with the demucking require certain types of uses. This plan fits with those uses. It fits with less retail and more residential. The Coalition was concerned with development of the corner. He has shown the Coalition the plan. He will limit retail on the corner to 38,000 square feet. There will be no drive -through restaurants, gas stations or liquor stores on that parcel. The retail portion is now being designed with a "village feel concept."

Mr. Walsh stated that he met with Commissioner Dallari, Don Fisher, and Tom Boyko from the Coalition. At that meeting Commissioner Dallari stated that the project should continue. Mr. Walsh stated that he has tight deadlines on this project. If the project does not proceed now, the land, in his opinion, will never be developed.

Under the above circumstances, the development order that exists on the corner piece will be enacted by someone, but not him.

Commissioner Tucker said that the site would then be developed in pieces, but not in totality.

Mr. Walsh agreed. The soil conditions really lead to the necessity of developing the site as a single project, rather than in pieces.

Commissioner Tucker asked about the back corner on Mikler Road.

Mr. Walsh stated that he had tried to acquire the outparcel, but was unsuccessful. The access will be from the north side of the property.

In the coming days Mr. Walsh said he would be designing a "non big-box, vanilla box" plan, breaking up the façades to be attractive on the 95,000 square feet of commercial/retail portion. He knows there is a concern on the part of the Red Bug Coalition about the size of the "box" which had been limited to 40,000 square feet. That limitation makes it impossible to make the project commercially viable. The size would be too small to attract a good anchor.

Commissioner Tucker said that the previous presentation had reflected a difference in elevation from the road to the parking lot of 13 feet. The buildings would not be totally visible from the street.

Mr. Walsh stated that they will not be on the same plain as the surrounding developments. He does not know yet how the visibility of the roofs from the road will be dealt with, but this issue will be addressed.

Mr. Tucker said that there is a WalMart in another state that divided its big store into several smaller stores, separating departments.

Mr. Walsh said that WalMart would not be back to the site. If he cannot have the flexibility to go up to the 95,000 square feet, it would be a deal killer.

Greg Pryor, Chairman of the Red Bug Residential Coalition, represents 18 subdivisions in the area, with 3,000 homeowners. His group wants consistent, compatible growth within the area. He would like denial tonight. His group has issues with the High Density Residential uses. The corner has issues. He needed an enforcement mechanism. The intensity of the "big box" is a concern. Mr. Pryor said that he wanted denial of this plan.

No one else spoke from the floor.

The public hearing was now closed.

Commissioner Tucker observed that the Commission could vote it up or vote it down. The real decision will rest with the Board of County Commissioners.

Commissioner Dorworth agreed, noting that this is a troubled parcel.

Commissioner Dorworth made a motion to recommend approval, with staff recommendations.

Commissioner Eismann seconded the motion. He commended all parties involved.

Commissioner Tucker said that the property will be developed eventually, no matter what.

Commissioner Brown said that moving this forward will allow the developer to continue his efforts. He is concerned with an economic feasibility of the smaller building.

The motion passed by a vote of 5 - 1. Commissioner Hattaway voted "no."

Matt West concluded the meeting stating that the PowerPoint presentation will be refined to further meet the needs of future meetings.

There being no further business, the meeting adjourned at 8:45 P.M.