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

WEDNESDAY, OCTOBER 5, 2005
7:00 P.M.

Members present: Rob Wolf, Matt Brown, Beth Hattaway, Dudley Bates, Jason Brodeur

Members absent: Walt Eismann, Ben Tucker

Also present: Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Brian Nelson, Principal Coordinator; Tom Radzai, Development Review Engineer; Rebecca Hammock, Principal Planner; Chris Schmidt, Senior Planner; Tyrone Smith, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Dudley Bates, serving as Chairman for the evening, called the meeting to order at 7:00 P.M. Commissioner Bates introduced the members present and explained the manner in which the meeting was to be conducted and how votes accomplished.

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

Commissioner Hattaway seconded the motion.

The proof of publication was accepted unanimously (5 – 0).

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

Commissioner Brodeur seconded the motion.

The motion passed unanimously (5 – 0).

NEW BUSINESS

TECHNICAL REVIEW ITEMS:

A. **Savannah Park at Heathrow PSP; Savannah Meridian Acquisition Group, LLC, applicant;** approximately 33.65 acres; Preliminary Subdivision approval; 163 fee simple townhome lots and one (1) mixed used lot to consist of office, retail, and residential units; located on the NW corner of International Parkway and Wilson Road

Commissioner Carey - District 5

Rebecca Hammock, Principal Planner

Rebecca Hammock stated that staff recommendation was for approval of the plan submitted for 163 townhomes and one mixed-use lot, located on the corner of International Parkway and Wilson Road.

There were no questions from the commissioners.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Wolf seconded the motion.

The motion passed unanimously (5 – 0).

B. <u>Grande Oaks PSP</u>; Kolter Properties, Co., applicant; approximately 27 acres; Preliminary Subdivision approval; 314 fee simple townhome lots; located west of International Parkway and north of CR 46A

Commissioner Carey - District 5
Rebecca Hammock, Principal Planner

Rebecca Hammock stated that staff recommendation is for approval for the plan submitted for the 314 townhomes on 27 acres. The average unit size will be 2,000 square feet. The subdivision will have Seminole County water and sewer and private internal roads.

There were no questions from the commissioners.

Commissioner Brown made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (5 – 0).

C. <u>Hawthorne Estates PSP</u>; Debroah Hagen, applicant, Preliminary Subdivision Plan; 36 single-family residential lots; approximately 11.8 acres; located at the northeast corner of Majestic Forest Run and Orange Blvd.

Commissioner Carey – District 5
Rebecca Hammock, Principal Planner

Rebecca Hammock stated that the staff recommendation was for approval of the plan presented for 36 single-family residential lots. Lot size is 8,400 square feet and houses will have a minimum of 2,300 square feet of living area.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Wolf seconded the motion.

The motion passed unanimously, (5 – 0).

PUBLIC HEARING ITEMS:

D. <u>Orange Blvd. Property Rezone</u>; Mike Good / KBC Development, applicant; rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on approximately 22.3 acres, and Small Scale Land Use Amendment from Commercial to Industrial on approximately 9.95 acres; located on south side of Orange Blvd., 800 feet west of I-4. (Z2005-040)

Commissioner Carey – District 5
Jeff Hopper, Senior Planner

Tony Walter introduced the application of Mike Good for a rezoning of a 22.3 acre property on Orange Boulevard with a small scale land use amendment on 9.95 of the acres. The property is located west of I-4 on the south of Orange Boulevard. The current future land use will not allow C-3 and light industrial uses. Staff recommendation is for approval.

Charles Madden represents Mike Good. He stated that he would like to have several sections changed in the Development Order. Item C – prohibits outdoor advertising signs. We would like to add the language "unless existing" to the section, since we have an existing sign on the property.

Mr. Madden said that Item D talks about the floor area ratio being .35; for the commercial area that is fine; but for the industrial section, the land development code allows .65 FAR with a small-scale land use amendment. The language in Item D would say "a FAR of .35 for commercial areas and .65 or industrial areas."

In Item M, Mr. Madden addressed the language of "no parking of mobile CAT Scan trucks or semi tractor trailers at the site." Mr. Madden stated that he does not know who will be in the project, but one of the potential tenants may own a semi- tractor trailer. They may want to park it in the yard. The way that this project is oriented, potential parking and storage is to be in the area in the back under the power lines, away from the single-family residential area to the west. He would like language to be included that would allow for the storage of semi-tractor trailers in the yard. Perhaps it would be phrased to that it would be away from the west property line.

Mr. Madden concluded with the request that the application be recommended with the minor revisions he has asked for.

Tony Walter stated that the existing outdoor advertising sign would be "grandfathered in" under the current land development code. The FAR – floor area ratio is within the Code. Mr. Walter's only concern was for how the semi-tractor trailer would be screened from the properties to the west. We may want to use language that would place the parking on the east side, by I-4.

Mr. Madden said that he was also concerned with Item A. C-1 and C-2 uses are allowed throughout the area. Within that area you would be allowed to have outdoor storage in association with a construction company. It states in this part: "construction company with no outdoor storage" under permitted uses. He would like that to permit outdoor storage in the area of the small scale land use amendment. The phrase "with outdoor storage with proper screening" could be used.

No one had questions from the audience.

The public hearing was now closed.

Dan Matthys said it would be all right with the outdoor storage screened from public view.

Commissioner Wolf asked how the residences to the west would be protected and assured a quiet and peaceful atmosphere. It appears that there will be a 30-foot buffer of trees and a road between them. He was concerned about noise.

Mr. Madden stated that the LDC deals with buffering issues. A six-foot wall is required. The buffer between the road and single family is 25 feet. Depending on the end users, the building setbacks may wind up being between 50 feet and 150 feet. He is not asking for any wavers from the Land Development Code. With a wall and landscaping, that is adequate. The setbacks were the same for commercial and industrial uses. He had no proposed tenants at this time.

Commissioner Hattaway asked about the wall. Could it wind up being a chain-link fence?

Mr. Madden said that it must be a 6-foot masonry wall. This is an in-fill site. Extra care will have to be take to buffer the home sites from the light and sound. Most of the noise will come from behind the building. There will be employee parking in the front and the storage yards in the rear. Fork lifts and things like that will be operating to the east as much as possible.

Commissioner Hattaway asked if garbage pick-up will be operating to the east as much as possible.

Mr. Madden stated that the site plan could locate the dumpsters appropriately.

Commissioner Hattaway said that the garbage trucks come at various times and can be quite annoying. Also there is a concern if deliveries are to be made down the cul-de-sac.

Mr. Madden agreed.

Commissioner Wolf asked how something like an auto body shop would be shielded from the residential neighborhood. How could there be buffering from operations that continue into the evenings after 6 o'clock at night? What is to keep people from operating in off hours?

Mr. Madden stated that restrictions could be put into the documents.

Commissioner Brown asked why the County is precluding things like communication towers from these developments when this location along I-4 is a perfect location for a communication tower.

Tony Walter stated that in the recent past the BCC has wanted to shield I-4 from things like advertising signs and communication towers. It is a staff recommendation based on the location to I-4 and proximity to the residential uses.

Commissioner Brown stated that he understood setback issues, but I-4 is a perfect place to put communication towers.

Tony Walter stated that he would carry that forward as a recommendation to the BCC.

Commissioner Hattaway stated that she agreed with Commissioner Brown.

Mike Good stated that he presently owns the property to the north of this site. It is a 5-acre tract that is M-1 Industrial. Also, he owns another tract to the west, where he has a construction company that has been there for 20 years. To the west of that parcel he has an industrial park. There is no one here to speak in opposition to this application because he has done a good job in the past of using the land appropriately.

The road to the north of the project is the Port of Sanford road. He designed the road in the current project with the neighbors in mind. He has spoken with the neighbors. He will be providing a wall, landscape buffering, the road right-of-way, and additional setbacks to separate the project from adjacent residential uses. There will be a nice façade on the office buildings, trucks will be kept in the back.

Commissioner Wolf asked if the landscape buffer is thick enough to obscure the site of the industrial park from the residences.

Mr. Good said that the natural state of the landscaping now is very dense.

Commissioner Wolf asked how the noise was to be managed.

Mr. Good said that the businesses to be located here will be associated with construction, generating activity on the site in the morning and early evening.

Commissioner Wolf stated that the other properties that Mr. Good had referred to were across the street from the residential properties, while the site under consideration is immediately adjacent to the residences. How will noise issues be addressed. Will hours of operation be contained?

Mr. Good said that he has been operating in the County for 20 years. He can understand if the County wants to put some operating restrictions on certain operations.

Mr. Madden said that the wall plus 4 trees per 100 feet will provide a strong visual barrier.

Commissioner Wolf pointed out the existing dense vegetation.

Mr. Madden said that he would forego the replanting of 4 trees per 100 feet if the dense vegetation stayed. The way the development order is written, he would be required to plant a tree every 25 feet in addition to existing vegetation.

Mr. Good pointed out the aerial view of the property. There is dense vegetation on the site already.

Commissioner Hattaway said that the mature trees should be kept as much as possible.

Commissioner Brodeur asked if the property to the east had a coach manufacturing business.

Mr. Good said that it did.

Commissioner Brodeur pointed out that the proposed activities would be similar to what is already going on with the property to the east of the proposed site.

Commissioner Wolf made a motion to recommend approval of the request with additional staff language pertaining to lighting and sound and the amendments proposed by the developer and the addition of language on the presence of cell towers.

Commissioner Hattaway seconded the motion.

Dan Matthys read conditions for the record: 3a: "construction company with outdoor storage provided the outdoor storage is adequately screened from off-site view."

3c: "the elimination of the prohibition of communication towers"

3d: "all development shall be subject to a maximum floor area ratio of .35 with the exception of the property found in the proposed industrial future land use area which shall have a maximum FAR of .65.

3n: "no parking of mobile CAT scan trucks or semi tractor trucks within the required western boundary setbacks shall be permitted on the site. Any parking of CAT scan trucks or semi-tractor trailer trucks shall be screened from off site view.

3p: "The hours of operation shall be from 6 a.m. to 7 p.m."

Commissioner Wolf and Commissioner Hattaway confirmed their motion and second.

Commissioner Brown asked if the enforcement of the County noise ordinance would not be enough. He made reference to an industrial park that had been developed where the workers typically went home by 5 P.M. and the neighbors had no problem with the development. He thought that putting in language for hours of use could lead to code violations if someone went into their office or workplace until 7:00 P.M. or 9:00 P.M. on an occasional basis. He wondered how the other commissioners felt on this matter.

Commissioner Brodeur felt that extending the hours could benefit, since most of the noise could be generated by activities on the east side of the project. He feels that extending the hours until 9 P.M. would be acceptable, but he doubted that the small businesses would be utilizing the park much beyond 7 P.M.

Commissioner Wolf said that the issue is how the hours are enforced.

Mr. Good pointed out the triangular piece on the corner of the property. He said that this segment could be sales and the 7 p.m. time could be too restrictive.

Commissioner Brown inquired about the County noise ordinance.

Dan Matthys stated that we have a noise ordinance that is enforced by the sheriff. We can limit the noise on the manufacturing portion after 10 p.m.

Commissioner Wolf said that he had no problem with people accessing their businesses after 7:00 P.M. It was the potential of noise generation that concerned him.

Commissioner Brown said that hours could be delineated and which could be used as a tool later. It would be difficult for the sheriff to be enforcing restrictions.

Commissioner Hattaway said that if the sheriff is called, they will respond and measure the noise and enforce the ordinance.

Dan Matthys said that such things are difficult to enforce.

Tony Walter said that the best thing is to put forth a good design which builds in protection, with noise generating uses to the east.

Commissioner Bates wondered if the operational activities could be limited to 9:00 P.M. with noise generating stopping at 7:00 P.M.

Commissioner Brown said that he felt the people should be able to access their properties 24 hours a day. It should just be done with reason, quietly.

Dan Matthys said that the noise ordinance is in effect 24 hours a day.

Commissioner Hattaway said that people would call in noise complaints at 3:00 in the afternoon. It would not matter.

Commissioner Brown said that the applicant's previous record of operating businesses in the County is a long and honorable one.

Commissioner Wolf amended his motion to impose the noise ordinance usually enforced after 10:00 P.M. will be imposed on this property after 7:00 P.M.

Commissioner Hattaway asked if Mr. Good could live with that condition.

Mr. Good said that he did not want to put any restrictions on this property that would not be put on a similar piece of property.

Commissioner Brodeur said that he would point out that certain times of the year have hours of daylight remaining after 7:00 P.M. It would be inconsistent to have rules here.

Commissioner Hattaway stated that the noise ordinance is sufficient because that can be enforced all day. **She then withdrew her second of the motion if was not amended.**

Commissioner Wolf amended his motion to remove the limit of the hours of operation and the noise reference. (This is item 3 P.)

The motion passed unanimously (5 – 0).

E. <u>5th Street Chuluota Rezone</u>; Frank Joyce / Joyce Construction, applicant; approximately 62 feet X 150 feet (.23 acres); Rezone from R3 to R-1B for Single Family Residence located on the north side 5th Street, 180 feet west of CR 419. (Z2005-048)

Commissioner Dallari – District 1
Brian Nelson, Principal Coordinator

Brian Nelson introduced the application for a change of zoning from R3 to R-1B on .2 acres. Mr. Nelson stated that the applicant wants to put a single-family residence here. The R-1B zoning will allow a single family home on this lot size. This request is commensurate with the Medium Density Residential future land use. Mr. Nelson noted the reception of a letter of support from the Chuluota Community Association. Staff recommendation is for approval.

There were no comments from the audience.

Commissioner Hattaway asked how large the house was to be.

Mr. Joyce stated that the house would be approximately 1,200 to 1,300 square feet.

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

Commissioner Wolf seconded the motion.

The motion passed unanimously (5 – 0).

<u>Planning Manager's Report</u>:

Tony Walter stated that the School Board representative would be at the November meeting.

There are 4 large scale land use amendments on the schedule.

There being no further business, the meeting was adjourned at 7:55 P.M.