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

WEDNESDAY, SEPTEMBER 7, 2005
7:00 P.M.

Members present: Ben Tucker, Rob Wolf, Matt Brown, Walt Eismann, Jason Brodeur

Members absent: Beth Hattaway, Dudley Bates

Also present: Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Rebecca Hammock, Principal Coordinator, Development Review; Jeffrey Hopper, Senior Planner; Brian Nelson, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order at 7:00 P.M. He introduced the members of the board in attendance and reviewed the manner in which the meeting was to be conducted.

Chairman Tucker made note that **Item D – Orange Blvd. Property PUD** is being requested for continuance to next month's meeting. It was approved for continuance by acclamation.

Also, **Item G – Red Bug Lake Road Townhomes** is being requested for continuance by the applicant to the December 7th meeting by staff. **This item was approved for continuance by acclamation.**

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

Commissioner Brown seconded the motion.

The motion was approved unanimously.

Commissioner Eismann made a motion to approve the minutes for last month's meeting as circulated.

Commissioner Brown seconded the motion.

The motion was passed unanimously.

TECHNICAL REVIEW ITEMS:

A. **Walden Chase PSP; Daly Design Group, applicants**; approximately 8.09 acres; Preliminary Subdivision approval for 64 Unit townhomes, zoned PD; located at 3751 Alafaya Trail, north of Palm Valley Drive.

Commissioner Dallari – District 1
Rebecca Hammock, Principal Planner

Rebecca Hammock introduced the application for a preliminary subdivision plan for 64 townhomes in a PUD zoning. Typical lot size will be 1,640 square feet, with a minimum living area of 1,000 square feet. Sidewalks shall be provided on both sides of the internal roadways, as well as on Park Road and East Palm Valley Drive. Water and sewer are provided by Seminole County. Staff recommendation was for approval of the Walden Chase PSP.

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

Commissioner Brodeur seconded the motion.

The motion passed unanimously.

B. **Grass Lake Estates PSP; CPH Engineers, Inc., applicants;** approximately 16.33 acres; Preliminary Subdivision approval for 6 lots, single family residence, zoned A-1; 7505 SR 46.

Commissioner Carey – District 5
Denny Gibbs, Senior Planner

Denny Gibbs introduced the Grass Lakes Estates PSP. It will contain 6 single family lots on 16.33 acres zoned A-1.. This property falls within the Wekiva River Protection Area. Each lot meets or exceeds the required one acre net buildable size. The lots will have individual septic systems and the water will be provided by Seminole County. The road will be a private right of way. Staff recommendation is for approval.

Commissioner Eismann made a motion to recommend approval.

Commissioner Brown seconded the motion.

The motion passed unanimously.

Tony Walter took a minute to address the new board members about the manner in which the rezoning and land use amendment cases are evaluated by planners. He said that with these cases, compatibility is of the foremost importance.

Consider "Does this project fit where it is proposed?" Planners also caution that engineering and environmental issues are addressed later in the process. Format used in staff reports will be discussed later in the meeting.

PUBLIC HEARING ITEMS:

C. Long Pond PUD; Dennis Casey/Rockwell Developers, Inc, applicant; approximately 51.4 acres; Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the north side of Long Pond Road, 0.6 mile east of Markham Woods Road, adjacent to west side of I-4. (Z2005-018)

Commissioner Carey – District 5
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting PUD zoning for a subdivision consisting of 48 single family lots. Net density is 1 unit per net buildable acre, consistent with the Suburban Estates future land use designation assigned to the property. The site is adjacent to I-4 on the east and Oakmonte Senior Village on the north. However, all access will be from the west, over Long Pond Road, connecting to Markham Woods Road.

Lot sizes within the PUD range from just under ½ acre to approximately ¾ acre, with the larger lots adjacent to Orange Ridge Farms subdivision to the west. Lots along the west property line would include a 25-foot landscape buffer.

Staff recommends approval of the request subject to conditions listed in the Development Order, which include the following:

- Minimum lot size of 31,200 square feet along the west property line, 21,000 square feet for all others
- 25-foot landscape buffer adjacent to Orange Ridge Farms, containing 4 canopy trees per 100 feet

George Garrett, engineer on the project, stated that he was available to answer any questions the commissioners may have.

Jack Hannahs said that he was concerned about water usage. With this property and the upcoming L & L Acres PUD, he wanted to be sure that there would be adequate recharge to the aquifer. He also wanted reclaimed water to be available on site for this project.

Debra Wert said that she is concerned about the PUD. She said that what is approved may not be what is finished. Also, there will be a large amount of dirt moved on the site. She would like to know that the hill will be equal in height to

what it is now. It is a noise buffer now. Noise is a concern. Also, will there be a change in rainwater run-off patterns?

Russell James said that he lives at the end of Long Pond Road. All of the lots in the area are one acre. These should be also. There are 2 dead-end roads that could be used for access, instead using the road which passes behind numerous homes.

Quentin Bob Beitel spoke on behalf of the Markham Wood Road Homeowners Association. He said that this property is barren. He hopes the density will be one house per acre. He is also concerned about the buffering.

Jack Hannahs said that there were 24 homes in Orange Ridge; 12 homes are on each cul de sac.

George Garrett, speaking in rebuttal, stated that there is a 16 inch reclaimed water line available for the project to hook up to. Some of the dirt will be used to raise the lots. An arborist will relocate some of the trees. There is Type A soil there, which is sandy. He is making 48 lots, with a net density of one unit per net buildable acre.

Chairman Tucker said that a calculation of net density usually assumes that 20 percent of the site area goes to road right-of-way and other features.

Commissioner Eismann asked how much the hill was being lowered.

Mr. Garrett said that there is a 30-foot elevation now. He will probably bring the elevation down by 5 feet and use the dirt down by the retention pond.

Commissioner Tucker asked if there were anything that could be done, such as putting a clause in the Development Order, which would keep the homes from later demanding a wall to abate noise.

Dan Matthys stated that conditions might be imposed on a PUD.

Commissioner Tucker said that such a thing would be like a deed restriction. He asked for a legal opinion on this.

Kim Romano said that there will be a way to put such a thing in the Development Order.

Dan Matthys stated that there would be a way to make notations on the final plat and in the development order concerning noise abatement issues.

Commissioner Brown made a motion to recommend approval with staff recommendations and the stipulation that buyers be made aware of potential noise issues.

Commissioner Brodeur seconded the motion.

Commissioner Brown stated that these actions will not stop people from asking for a noise abatement wall along I-4 if the road right-of-way is widened.

The motion passed 5 – 0.

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

Commissioner Carey – District 5
Jeff Hopper, Senior Planner

This item was continued to this October meeting by a motion at the opening of this meeting.

E. <u>Mirror Lake PCD Major Amendment</u>; John Percy / Glatting Jackson, applicants; approximately 1.7 acres; Major Amendment to a PCD (Planned Commercial Development); located at the southeast corner of SR 436 and Bear Lake Road. (Z2005-047)

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

Mr. Hopper said that this is a request to amend the PCD Developer's Commitment Agreement to permit 24-hour commercial deliveries on the subject property, Lot 1 of Mirror Lake Commercial Center. The other commercial lots to the east of this site would not be affected by the change. All lots in the PCD, located north of Mirror Lake Manor Subdivision between Bear Lake Road on the west and Mirror Lake to the east, are permitted to have C-1 uses under the zoning approval.

The commercial uses within the PCD were limited to delivery hours of 7 a.m. to 9 p.m. due to concerns over large trucks accessing the rear doors of the buildings, possibly disturbing nearby neighbors.

According to the applicant, the developer of Lot 1 would use the front door for deliveries, avoiding the need for rear access to the building. In fact, no direct access for vehicles would be provided at the rear of the building. The applicant

contends that the extended delivery hours are necessary to make front-door deliveries practical. Just to clarify a fact that was not brought out in the staff report, the applicant is proposing to limit the size of delivery trucks to 25 feet in length.

Staff recommends approval of the request subject to Addendum #2 to the Developer's Commitment Agreement, requiring that deliveries be made through primary building entrances on the north, east, or west sides of the building, and that delivery trucks access the site only from SR 436.

John Percy stated that he agreed with the conditions. The current conditions allow for 24-hour operations. Trucks are not limited in where they access the property. He would like to amend the wording of the conditions to reflect that deliveries made between 9 P.M. and 7 A.M. will be made in trucks of 25 feet or less; he also wanted 24 hour access from SR 436.

There were no comments from the floor.

Commissioner Tucker observed that a wall and a buffer with canopy trees were put in to protect adjacent property owners previously.

Commissioner Brodeur made a motion to recommend approval of the request including staff recommendations and the stipulation that 25 foot or less sized trucks be used for deliveries between the hours of 9 P.M. and 7 A.M.

Commissioner Brown seconded the motion.

The motion passed 5 – 0.

F. <u>SR 46 / Lake Forest Boulevard PUD Rezone</u>; Robert Hattaway, applicant; approximately 42 acres; Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development); located on the north side of SR 46, opposite International Parkway. (Z2005-038)

Commissioner Carey – District 5
Tony Walter, Planning Manager

Tony Walter introduced the application stating that it will include up to 282 town homes with a maximum density of ten dwelling units per net buildable acre and six commercial tracts adjacent to SR 46 with equivalent C-2 uses with a maximum floor ratio of .35 which is consistent with such uses.

Mr. Walter stated that compatibility is an issue here. Staff recommends approval of the request based on its consistency with the HIPTI future land use. This application has neighborhood commercial and high-density residential standards. Permitted uses include those allowed in C-2 zoning standards, excluding communication towers, outdoor advertising signs, and automobile sales. Any development in the residential portion shall be to the R3 Residential Zoning development standards, including setbacks. Non-residential building height shall be limited to 35 feet and active-passive buffer requirements including a 6-foot masonry wall along the north property line adjacent to the single-family uses.

Hugh Harling stated that the site plan he distributed to the commissioners at the meeting is consistent with the County Comprehensive Plan. There has been a long history of development activity in the area of the application in the last 15 years. International Parkway was extended to line up with in entrance to the property. There is a signalized intersection. Tall Trees subdivision at Wayside Drive was developed 12 to 15 ears ago. That property drains into the SR 46 right of way and then to the subject property, and finally across Lake Forest. The property to the east was damaged by the activity of widening SR 46, which created a wetland there that did not previously exist. This drainage goes into the east side of Lake Forest and also into a canal system along Oregon Avenue and also into the Smith Canal which outfalls into the St John's River. All of the drainage issues have been studied extensively. The engineering firm of Dyer, Riddle, Nils and Precour did the original drainage study for Lake Forest. The engineering firm of McIntosh and Associates prepared the engineering plans on the property to the east of the subject property. Mr. Harling stated that the applicant has worked with the St. Johns River Water Management District to prepare a drainage calculation and storage facility on the site to have zero impact on neighbors based on concept design. Mr. Harling said that he has a technical staff report from the Water Management District stating that the design conceptually presented will not impact the neighbors.

Mr. Harling stated that there will be a lift station to pump to the Yankee Lake substation. There is a major water transmission line on SR 46 that he will tie into.

This project will have buffers on the north property line with significant oak trees in the buffer. All of this will be consistent with the Seminole County Comprehensive Plan. There are only two zoning categories allowed in a HIP future land use. Mr. Harling said that the PUD he is doing is one of the allowed uses. The other use allowed in HIP is a PCD (Planned Commercial Development) which would only be done if the entire site were commercial. There will be 282 residential units, priced in the $290,000.00 to $300,000.00 range. There will be no impact on the neighbors except at the traffic signal. Concurrency will be dealt with later.

John Abbot stated that he would rather see a PUD here rather than commercial development.

Richard Fadil said that he wanted to see residential use here with limited commercial use on SR 46, like this. High density residential is more compatible. As a resident of Lake Forest, he would like to see high-end townhomes rather than a "big box" store there. Small commercial development is preferable to a car dealership.

Next are 5 speakers from the Lake Forest Transitional Committee.

Bob Manuel spoke on behalf of the Transition Committee as Co-Chair of the committee. He referred to a packet that he submitted to the commissioners. He is concerned that Mr. Hattaway intends to completely fill the wetlands in order to put in the 282 townhomes and 6 commercial sites. His consultant biologist believes that there are wetland concerns on this project that cannot be mitigated off site. The consultant hydrologist believes that there are concerns that have not adequately been addressed concerning the proposed filling in the 100 year flood plain which lies at the bottom of an approximately one square mile drainage basin. He believes that this proposal is not compatible with the area and that it will negatively impact Lake Forest. He would like to see the project scaled back to an acceptable risk level.

Mr. Manuel stated that the destruction of the wetlands was the first major concern of the Lake Forest residents. He asked that the commissioners consider the actions of the St John's River Water Management District, the Army Corp of Engineers, the EPA are taking regarding the dredging and filling of the wetlands that was done without the required permits.

St. John's River Water Management District has issued a consent order, the Army Corps of Engineers has issued a cease and desist order. The Army Corps of Engineers has suspended their review of Mr. Hattaway's application pending resolution of its cease and desist order. The enforcement of the cease and desist order will be enforced by the EPA out of Atlanta. Mr. Manuel said that he had included a copy of the order in the packet of materials submitted. (Enclosure 11)

Mr. Manuel stated that Enclosure 12 Mr. Hattaway stated that there had been timber sold from the site in 1989, and that no further harvesting of timber had occurred since then. However, there was an invoice included with an invoice for Clear cutting dated July of 1998. Aerial photos of the site from 1995 and 1999 show that the property was extensively cleared sometime between those two dates.

Mr. Manuel stated that with his background and experience, Mr. Hattaway is aware of the regulations concerning wetlands in the state of Florida.

Steve Devine spoke on behalf of the Lake Forest community concerning the environment. He said that this application is incompatible with the adjacent 100 year flood plain. There is habitat for the black bear here. This property should not be rezoned. Using an overhead map, Mr. Devine pointed out conservation areas near to or adjacent to the site of the application. He said that the off site mitigation will not make up for the permanent destruction of wetland and habitat.

Dr. Ira Swartsberg, also representing the Transitional Committee for Lake Forest Homeowners, stated that 85% of the site is at the bottom of the 100-year flood plain. The proposed application calls for the filling of the site and raising it 8 feet higher than the surrounding area in Lake Forest.

Dr. Swartsberg also said that there were significant omissions from the current application. The hydrology in the area south of SR 46 is not articulated clearly enough to define the flow of water to and through the Hattaway site. He asked who would be liable if Lake Forest floods as result of more of the flood plain. He asked that the application be reviewed in light of Appendix B – of the Seminole County Land Development Code of the section titled "Surface Water Management Standards" which states that flood plains shall be kept in their natural state and must be protected. He asked if the Code allows for anything other than keeping the flood plain in its nature state and protecting it with a conservation easement.

Sharon Thompson stated that the wetlands on the property were not created by water flowing off the Tall Trees site, as stated by Mr. Harling. The USGS had designated this area as wetlands prior to the creation of the Tall Trees neighborhood.

In addition, Ms. Thompson stated that the proposed density was higher than stated. 282 residential units are going on 10 acres of the site. That comes out to 18.64 units per acre, not 10 units per acre. Compatibility is a concern. Lake Forest has .6 units per buildable acre. This proposal is at a significantly higher rate of density than the surrounding areas.

The proposed plan calls for 20-foot rather than 24-foot right of ways. This is supposed to be modeled on Baldwin Park. Ms. Thompson stated that she has talked to Orlando public safety officials who have reported many problems with safety vehicle access, delivery vehicle access, and normal vehicular traffic in Baldwin Park streets. Narrow right of ways permits higher yield of units. One way to cut down on density is to increase the size of the right of ways.

Ms. Thompson stated that her group feels that this project as presented is not compatible with the surrounding areas. This project should include the same type of conservation inclusions as were required with surrounding areas. Open

spaces and comparable densities to neighboring areas should be made here, too.

Fred Bates, Co-Chair of the Lake Forest Homeowners Transitional Committee, stated that the development could be made to preserve habitat of black bears and sand hill cranes. Save the wetlands between the lands that Lake Forest set aside and those on the other side of the Hattaway property designated as conservation. Preserving the approximately 25 acres there is the best approach. This would allow development of 17 acres on the south side of the flood plain along SR 46, which is similar to what was done on the NW Oregon development, and the Publix shopping center which also preserved the conservation and wetland areas behind it. Only a small portion of the NW Oregon site and the Publix site were in the 100-year flood plain. Most of the Hattaway site is in the 100-year flood plain.

Mr. Bates said that another approach that his group would recommend is to reduce the height of the fill which will affect the surrounding communities by reducing run-off. If Mr. Hattaway is allowed to sever this conservation area it will send a message to other developers. What does this say to the developers who have already done their work in the area? Preserve the area to the standards of "Florida's Natural Choice."

Mr. Bates concluded by saying that if the zoning issue is the only thing being considered tonight, please deny the application.

Nancy Petty submitted a comment form stating opposition to the project.

Frank Guida submitted a comment form stating opposition to the application.

Gordon Shaw expressed a concern for the density of the project.

James Taglia stated that this project needs to be developed at a lower density.

Arnold Ritchie asked the commissioners to reject this project. He has been a realtor for many years. The plan submitted only meets the criteria for profit to the owner. Mr. Hattaway should be able to develop his land and make a profit without doing this plan.

In rebuttal, Hugh Harling stated that he has represented the property owner for many years. He is always willing to work with the community as projects move from zoning to final engineering plans. Mr. Harling quoted from a newspaper from 1986 talking about "wetlands may be sacrificed for the Wekiva River:" The article said that "environmentalists encouraged the deal, the first such by the District, saying that it is worth losing 45 acres of wetland to gain 750 acres of Wekiva Protection Area." Mr. Harling quoted another paragraph of the article that said, "The deal hinges on Seminole County approving the developer's plan

to tear up wetlands in the proposed Lake Forest Development." Mr. Harling said that Lake Forest deleted 45 acres of wetlands on the southern end of the property. Mitigation took place on Lake Forest.

NTS has a transition committee, but it made an offer in Feb. 3, 2000, to Mr. Hattaway, to put in a bid to buy the Hattaway property. NTS would then have taken the front 1.5 acres to develop 4 commercial lots and then develop the back 36 acres with 432 apartments. This would have increased the density of the site by over 1/3 more than what is proposed here.

Mr. Harling said that in the technical staff report from the St John's River Water Management staff, it states that due to the location of the site, bear habitat is only incidental. This is especially true when the long-term viability of the site is considered. This is a rapidly urbanizing area that does not represent sustainable bear habitat.

Mr. Harling concluded by saying that the PUD densities have been set. Final engineering will do code requirements for drainage, open space and the like. Final engineering is always done the Code. Tonight, compatibility with the area and consistency with the comprehensive plan for the area are being considered.

Commissioner Wolf asked Mr. Harling if he had met with the Lake Forest Transitional Committee.

Mr. Harling said he had not.

Commissioner Brown asked if the townhomes will be fee simple.

Mr. Harling said that they would be.

Bob Hattaway stated that he had a brief meeting with 4 or 5 members of the transition team at a DRC meeting in the County Services building. He showed members of the homeowners association his plan for development at that time. That was the only time he had met with people from Lake Forest.

Mr. Hattaway stated that he had bought the property 33 years ago with a partner. This was long before Tall Trees and Lake Forest were developed. Mr. Hattaway said that he granted the owner of the Tall Trees property an easement to drain that property onto SR 46. This agreement allows Mr. Hattaway to drain his property into the Lake Forest basin. He has the right to drain his property into the Lake Forest basin. It has been that way since 1986. Mr. Hattaway stated that at that time he obtained every necessary permit with Seminole County. After putting cattle on the property, he dug several water holes. St Johns River Water Management came back with the statement that he needed permits to put in the 4 water holes for the 25 head of cattle. Mr. Hattaway said that he had come to an agreement to pay a fine for that action. He has done everything possible to

work with the county and St. John's Water Management. His property is the last one in the area to be developed. The NTS people have tried to buy his property several times, talking about townhouses or apartments. Now that it is not in their interest, they are attacking his project. Mr. Hattaway concluded by saying that he has paid taxes on this property for 33 years. Every project that he has brought forth in this county has been a project of major consequences that has worked out well. Mr. Hattaway said that this property has been a retirement investment for 33 years. He should have a right to use his property putting in a quality product that the county can be proud of.

The public hearing was now closed.

At this time the Chairman called for a brief recess.

Following the recess Mr. Manuel asked for more time to speak.

The Chairman stated that there had been ample time to communicate the group's ideas. The hearing had been closed.

Chairman Tucker asked about the figures on students that may be generated from this project.

Tony Walter stated that the estimates were included in the staff report. The net impact would be up to 16 elementary school students, 5 middle school students, and 7 high school students. This is based on impact fee information. The School Board has not provided information in some months. The School Board will be meeting with the commissioners in November.

Dan Matthys stated that the information is based on information previously provided by the School Board. There is a comparison of what would be generated on the current A-1 zoning, versus the requested zoning.

Chairman Tucker reviewed the fact that the School Board has had an ex-officio member giving input on school impact in the past. This is true of the 7 cities also. We have requested written reports from the School Board.

Commissioner Brown pointed out that town homes drop the students-generated-per-unit statistics down from what is generated in other types of housing.

Commissioner Brown made a motion to recommend approval of the request with staff recommendations.

Commissioner Eismann seconded the motion.

Commissioner Brown stated that this property will be developed. Town homes are an appropriate use here. Consider what happened along SR 436, with homes backing up to restaurants. The transition here is appropriate.

Commissioner Wolf asked how the proposed density compares with the surrounding area. How are that many townhomes compatible with the area?

Tony Walter said that the net density, subtracting out roads, is 10 units per acre, including buffers and open space. This is an appropriate transitional use.

Commissioner Wolf asked about hydrological concerns.

Dan Matthys said that the applicant would have to prove everything later, during final engineering. Tonight the commissioners are looking at compatibility only. What is finally approved and executed my be different based on what is recommended.

Chairman Tucker stated that this is a 40-acre in-fill site. When Lake Forest was mitigated, it was done in Sabal Point. We are looking to make transitions. This will be mitigated, which helps the entire state.

Commissioner Wolf asked about the LOMAR on the site.

Dan Matthys said that a LOMAR is a letter of map revision that is submitted to FEMA which will be part of a detailed process that the applicant will have to go through which includes the final engineering plan, and the preliminary subdivision plan. Tonight the issue of compatibility – does the townhouse serve as an appropriate buffer between single-family use and commercial use – is what is being considered. Staff feels that this is an appropriate use. Final engineering will be done and the final product may not be what we see tonight.

Commissioner Tucker said that this is a difficult decision. This is an infill site. It is hard to say that a remaining 40-acre site is a wetland basin. Mitigation will benefit the whole state. It is hard to hear about things if it is in your backyard.

Commissioner Wolf said that the technical issues are not to be considered tonight.

Commissioner Tucker agreed. Engineers will look into the technicalities.

The vote was 4 to 1 in favor of the motion. Commissioner Wolf voted "no".

G. **Red Bug Lake Road Townhomes Rezone**; **Curt Cogan, applicant**; approximately 15 acres; Rezone from A-1 (Agriculture District) to R-3A (Multi-family Dwelling District); located on the south side of Red Bug Lake Road, across from Eagle Circle. (Z2005-028)

Commissioner Dallari – District 1
Tony Walter, Planning Manager

This item was continued to the December 7 meeting at the opening of this meeting.

H. <u>Nikki Farms Rezone</u>; Abid Mian and Anne Mian, applicants; approximately 13.48 acres; Rezone from A-1 (Agriculture District) to RC-1 (Rural Country Homes District); located on Lake Markham Rd, north of Markham Road. (Z2005-042)

Commissioner Carey – District 5
Tony Walter, Planning Manager

Tony Walter explained that the zoning change did not change lot size in this case, but rather the lot width and setbacks required. There are 13.48 acres with 4 home sites in this application. Staff recommendation is for approval of the request.

Connie Owens from Engineering & Environmental Design was present to answer any questions.

No one spoke from the audience.

There were no questions from the commissioners.

Commissioner Eismann made a motion to recommend approval of the application with staff recommendations.

Commissioner Wolf seconded the motion.

The motion passed 5 – 0.

I. <u>Habitat For Humanity of Seminole County Rezone</u>; Robert Klettner, applicant; approximately .33 acres; Rezone from R-2 to R-1B; located on the east side of Ronald Reagan Boulevard, 150 feet north of Williams Street. (Z2005-043)

Commissioner Henley – District 4
Tony Walter, Planning Manager

Tony Walter introduced the application stating that the lot will be split to have 2 60-foot parcels. The future land use is MDR (Medium Density Residential). The applicant does not want a duplex here. Staff recommendation is for approval.

Robert Klettner stated that this lot was deeded to Habitat for Humanity by the BCC. It will have one curb cut onto the road.

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

Commissioner Eismann seconded the motion.

The motion passed 5 – 0.

J. E. Lake Brantley / 434 Bank; Hugh W. Harling, Jr., applicant; approximately 37,140 square feet; Small Scale Land Use Amendment from Office and Low Density Residential to PD (Planned Development District); Rezone from RP (Residential Professional District) and R-1AA (Single Family Residential District) to PCD (Planned Commercial Development District); located on the northwest corner of SR 434 and East Lake Brantley Road. (Z2005-006 / 01-05SS03)

Commissioner Van Der Weide – District 3
Tony Walter, Planning Manager

Mr. Walter introduced the application for the change in zoning from RP (Residential Professional) and Office to PCD (Planned Commercial Development) for a bank. The future land use change requested is PD, to permit the change in zoning. The property will be accessed from East Lake Brantley Road. SR 434 is a principal arterial road at level of service "B". This site will have a septic tank. It will be serviced by Fire Station 16, with adequate response time. Staff recommendation is for approval.

Hugh Harling represented the contract purchaser. He stated that he had met with the owners of the property to the rear. They have agreed on the landscaping. Lights on the building in the rear will be located under the eaves of the roof. The ATM will be located in the front. He has also spoken to Fred Streetman from the local homeowner's association.

There were no speakers or questions from the floor.

Commissioner Tucker asked about access to SR 434.

Mr. Harling stated that there was to be use of a cross-access easement with the adjacent property for SR 434 access.

Commissioner Eismann made a motion to recommend approval of the request with staff recommendations and development order conditions.

Commissioner Brodeur seconded the motion.

The motion passed 5 -0.

Planning Manager's Report

Tony Walter reported that summaries of recent BCC actions will be included under this section of the agenda for follow-up.

Dan Matthys reported that the School Board will have a contact person at the November meeting of this board for an update.

Also, Mr. Matthys explained the new format to be used in future staff reports which will provide more information to the commissioners; comparisons of present and proposed usages, school information by district, enrollment figures, drainage, water, sewer, environmental impacts, and parks and recreation information will be included.

Commissioner Wolf asked if neighbors concerns will be part of the reports.

Mr. Matthys said they would be to the extent known at the time of report preparation. Reports are written three weeks in advance of the meeting. Public input often comes immediately before the meeting.

Commissioner Tucker mentioned the level of services to parks and recreation and to the library system.

Mr. Matthys said that such analysis is done typically at the time of concurrency analysis. Straight zoning requests may not know how many units they will be developing. If figures are not available, then figures demonstrating the maximum allowed based on the request will be given.

Commissioner Eismann asked how environmental impact will be dealt with.

Mr. Matthys said that issues will be pointed out. Final answers cannot be demonstrated without engineering for certain aspects of some applications.

Commissioner Brown wondered if SGTV could be used to educate the public on issues considered and the function of the commission.

Commissioner Tucker said the PBAS (Private Business Association of Seminole) will be having a seminar on September 22 on infill issues of Seminole County.

Commissioner Wolf said that he was interested in educating the public.

Mr. Matthys said the Florida Planning and Zoning Association will be having their convention in Orlando next year. There will be a track just for commissioners.

Commissioner Brodeur said that he would like to know the formulas used for compatibility.

Mr. Matthys said that the formulas come from adopted ordinances.

Commissioner Wolf said that the formulas used could be included in the staff reports.

Commissioner Tucker said that as a Charter County, every 5 years Seminole County reviews its charter. The first meeting of the Charter Review Committee is on September 22. He is one of 15 members and would appreciate input from his fellow commissioners.

There being no further business, the meeting adjourned at 9:30 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Secretary to the Commission