

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
NOVEMBER 2, 2005**

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

**Members absent:** Dudley Bates, and Beth Hattaway

**Also present:** Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Brian Nelson, Principal Coordinator; Denny Gibbs, Senior Planner; Cynthia Sweet, Planner; Tony Matthews, Principal Planner; Tom Radzai, Senior Engineer, Development Review; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order and a quorum was established. He then reviewed the manner in which the meeting was to be conducted and how voting was accomplished.

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

**Commissioner Brown seconded the motion.**

**The motion passed unanimously.**

**The minutes were approved unanimously.**

**A. Westlake Promenade PSP; Westlake Property Holdings LC, applicant; approximately 7 acres; Preliminary Subdivision Plan approval for 3 commercial lots, zoned Planned Commercial Development (PCD); on the SE corner of SR 46 and Orange Blvd in Section 30, Township 19S, Range 30E.**

Commissioner Carey - District 5  
Rebecca Hammock, Principal Planner

Denny Gibbs presented the Preliminary Subdivision Plan for three commercial lots, the smallest to be 1.02 acres. The site will be serviced by Seminole County water and sewer.

There were no comments from the commissioners.

**Commissioner Eismann made a motion to recommend approval for the application.**

**Commissioner Brown seconded the motion.**

**The motion passed unanimously (5 – 0).**

**B. Dollard Estates PSP; Robert Dollard, III, applicant;** approximately 4.32 acres; Preliminary Subdivision plan approval for 11 single family residential lots, zoned R1-AA and R1A; located at 521 Vihlen Road, north of SR 46 A and west of SR 417.

Commissioner Carey - District 5  
Denny Gibbs, Senior Planner

Denny Gibbs presented the revised plan for 11 single-family residential lots. Zoning is R-1A and R-1A. Homes will be retained on Lots 1 and 6. The access road will be private. The City of Sanford will provide water and sewer.

Commissioner Tucker asked about Vihlen Road.

Tom Radzai said that the entire dirt road will be paved.

**Commissioner Eismann made a motion to recommend approval.**

**Commissioner Brodeur seconded the motion.**

**The motion passed unanimously (5 – 0).**

**C. Cameron Heights PSP; Daly Design Group, applicant;** approximately 265.641 acres; Preliminary Subdivision Plan approval for 572 single family residential lots and 330 townhome units, zoned PUD; located north of SR 46, south of Celery Ave., east of Sipes Ave. and west of SR 415.

Commissioner Carey – District 5  
Cynthia Sweet, Planner

Cynthia Sweet stated that the City of Sanford would supply water and sewer. The townhomes will have private roads. The final master plan for this project was approved by the BCC on October 11, 2005. The PSP conforms to all of conditions of the approved final master plan, the Developer's Commitment Agreement for Cameron Heights, and the Seminole County Land Development Code. Staff recommendation is for approval.

Commissioner Brown asked to know what the minimum lot sizes would be.

Commissioner Tucker pointed out that there was not a lot of information given on this project in the packet. What are the lot sizes?

Dan Matthys stated that minimum lot sizes for Village A are 75 X 125. That is about 9,000 square feet.

Commissioner Tucker pointed out that there was a 4-inch flowing artesian well in Village F along Cameron Avenue. How was this to be capped? He would like Staff to look into the process.

Cynthia Sweet stated that the developer would have to go through the health department on that. The County will advise them at the time of final engineering.

Commissioner Tucker said that if there was an owner representative present, perhaps they could go ahead and get the capping done.

Commissioner Tucker said he had voted against this project originally since there is no interlocal agreement with the City of Sanford. In addition, no maintenance of Celery Avenue has been agreed to by the City of Sanford. Village A is accessed by Celery Avenue only, not Sipes Avenue.

Dan Matthys pointed out that the applicant has to come in for a concurrency test. They have passed the test for the residential portion of the project.

Commissioner Tucker stated that he was surprised that this condition is being allowed.

Mr. Matthys said that at this time the first few villages are accessing only through Celery Avenue. There is no access to Sipes at this time.

Commissioner Tucker asked about the pedestrian access to the local school from Villages A and B. This is a concern with road conditions the way they will be.

Dan Matthys stated that Traffic Engineering has been working on conditions of the road. Each phase of development will come in and make improvements as noted, based on their traffic study.

Tony Walter stated that the issue on Sipes was adequate right-of-way. The applicant will be providing right-of-way.

Commissioner Tucker stated that he was surprised at the product that is being submitted.

Commissioner Brown said that this project failed the last time it came before this board. The airport is saying that it needs more housing in that area. We are being told that this project meets concurrency.

Commissioner Tucker said that it will cost 13 million dollars to bring Celery Avenue up to standard. That is why the City of Sanford has balked at it.

Commissioner Brown asked if the developer is participating in bringing Celery Avenue up to standard.

Mr. Walter said that they would bring the road up to standard along their frontage. There will be 572 homes. They will meet concurrency.

Commissioner Tucker pointed out incompatible uses within the plan. He did not support the design previously, and will not do so now.

**Commissioner Brown made a motion to recommend approval of the plan.**

**Commissioner Brodeur seconded the motion.**

Commissioner Brown said that this project has been going on for some time. He has been talking to people out in the area. There is a need for more homes in the area. We have no large tracts of land left. With 40 to 50 home subdivisions we get un-planned planning.

Commissioner Brodeur said that there is some transition in the area. It may not be perfect, but it does show a concern for the needs. Staff says that the applicant has met concurrency.

Commissioner Tucker pointed out that the transition between Village A and Village B is a car lot.

Commissioner Brown said that this will be a “buyer beware” situation.

Commissioner Tucker said that this is not a good way to plan.

Commissioner Brodeur asked if there was to be any a provision for airport noise in the handling of the properties.

Dan Matthys said there was an avigation easement. This was done with the zoning. There will be notes on the plat, and buyers will be made aware of the noise.

Commissioner Tucker asked if there are sound attenuation standards. He pointed out problems with retro-fitting houses and sound buffering walls on roadways in our area.

Dan Matthys said that the applicant has agreed to meet with the sound attenuation standards.

**The vote was 3 – 2 in favor of the motion.** Commissioners Tucker and Eismann voted “no.”

**D. SR 46 / LAKE FOREST PSP; Robert Hattaway, applicant;** approximately 42.55 acres; Preliminary Subdivision Plan approval; 284 fee simple townhome lots and mixed use commercial; located on the north side of SR 46 at the intersection of International Parkway.

Commissioner Carey – District 5  
Cynthia Sweet, Planner

Ms. Sweet stated that staff had received an extensive e-mail concerning the PSP from the Lake Forest Homeowners Association.

Commissioner Brodeur noted that this is a different layout from the one approved by this commission.

Dan Matthys stated that the 11X17 diagram is the one that was approved. What had happened is the St. Johns River Water Management and meetings with homeowners caused changes to be made to the plan. That revised plan went to the BCC and was approved. The comments made in an 8 page note from the Lake Forest Homeowners Association will be addressed at the time of final engineering. Staff has made note of them and they will be addressed.

**Commissioner Eismann made a motion to recommend approval of the plan, with conditions noted in the staff report.**

**Commissioner Wolf seconded the motion.**

**The motion passed unanimously (5 – 0).**

#### **PUBLIC HEARING ITEMS:**

**E. Vantage Point Rezone; Jerry Cutrona, applicant;** approximately 9.52 acres; Rezone from A-1 (Agriculture District) to PCD (Planned Commercial Development); located on the west side of Monroe Road, approximately one-half mile north of State Road 46. (Z2005-051)

Commissioner Carey – District 5  
Brian Nelson, Principal Coordinator

Brian Nelson stated that the request is for a PCD to be located on the west side of Monroe Road, approximately one-half mile north of SR 46. The applicant is

proposing to develop the site with a mixture of office and warehouse uses. The proposed master plan shows the site consisting of 4 buildings, containing a total of 100,000 square feet to be developed in two phases: Phase One to be 17, 200 square feet of office space and 34,800 square feet of warehouse. Phase Two will be the third and fourth buildings, consisting of 14,400 square feet of office and 33,600 square feet of warehouse. The future land use on the site is HIPTI. The project is consistent with the Seminole County Comprehensive Plan.

In an e-mail, an adjacent property owner, Heard Saxon, has expressed a concern about how the drainage from the project will impact his property. This will be addressed during the final engineering stage of the project.

Based on the review of the project, staff recommends approval of the request subject to the conditions noted in the staff report. Mr. Nelson amended condition "E" to read "Building 2" (instead of "Building B).

Commissioner Tucker asked about condition A. What is left? C-3 lists certain uses.

Mr. Nelson said that the prohibited uses listed were from several categories – C-1, C-2, and C-3. The intent was to list uses that would not fit here, such as automobile sales, gas stations, and banks.

Dan Matthys said that the applicant agreed to the prohibition of several uses from the development. Typically, in a PUD staff will say that C-3 uses are permitted with a few exclusions or C-2 with the addition of a few uses. The applicant can clarify what he intends to do here.

Commissioner Tucker asked if the prohibitions were acceptable to the applicant.

John Herbert stated that he concurred with the staff report.

No one spoke from the floor concerning the application.

**Commissioner Eismann made a motion to recommend approval of the application, subject to the conditions of the staff report.**

**Commissioner Brown seconded the motion.**

**The motion passed 5 – 0.**

**F. Wayside Drive Rezone; Dennis Baldwin Venture Thirty-Two LLC, applicant; approximately 2.1 acres; Rezone from A-1 (Agriculture District) to R-1AAA (Single Family Residential District) and Small Scale Land Use Amendment from Public Lands to Low Density Residential; located on the north side of Wayside Drive, 350 feet west of Woods Trail. (Z2005-052/ 11-05SS.01)**

Commissioner Carey – District 5  
Tony Walter, Planning Manager

Mr. Walter introduced the request for a rezone and small scale land use amendment. He stated that at one point part of this property had been a cemetery. The public land use must be changed to low density residential land use. This is compatible with surrounding uses. R-1AAA zoning is requested. This is supported by the lot compatibility analysis. There will be 4 units here. Staff recommendation is for approval.

Commissioner Wolf asked what the ACLF designation on the map.

Mr. Walter said it was a nursing home, now know as ALF – adult living facility.

There were no comments from the audience.

Commissioner Tucker pointed out the proposed pathways for the Wekiva Parkway. One of them could have a substantial impact on this property. He wanted to be sure that fact was on the record.

Mr. Walter said that there would be a public meeting on the Wekiva Parkway Placement on the 14<sup>th</sup> at the Civic Center in Sanford. The Florida Department of Transportation will be present.

There were no questions from the commissioners.

**Commissioner Brodeur made a motion to recommend approval.**

**Commissioner Wolf seconded the motion.**

**The motion passed unanimously (5 – 0).**

**G. North Myrtle Street Subdivision UCV Final Master Plan; Acorn Development Co., Laurence M. Poliner, applicant; approximately 24.80 acres; Rezone from A-1 to A-1 Urban Conservation Village Overlay; located on the north side of Myrtle Street, 750 feet east of Nolan Road. (Z2005-053)**

Commissioner Carey – District 5  
Tony Walter, Planning Manager

Mr. Walter said that this was the final master plan of the Myrtle Street Overlay which was executed years ago. The applicant has 24.8 acres with a density of 2 units per acre. There will be 50 % open space. This complies with the overlay district provision, providing conservation area and upland available to the

residents of the subdivision. The community will not be gated. The applicant will bring Myrtle Street up to county standards for about a quarter of a mile.

The requirements of the code are fulfilled here. Staff recommends approval. From here, the PSP will be back to be approved, and a final engineering plan is made. This plan will go to the BCC on January 10.

The applicant had no comment.

Catherine L. Times of 1260 Myrtle Street lives next door to the project on 10 acres. She was concerned with the infrastructure. There is flooding on Myrtle Street. She gave the county 20 feet of her property a few years ago. She has a ditch that is unfinished in front of her house. The street floods in front of her house. There is Autumn Chase and another group of houses there. Now there will be more.

Tony Walter said that there will be approximately 29 here.

Ms. Times said that if the ditches will be on both sides and the flooding will be improved, she would not object. There are significant problems with traffic, too.

The commissioners gave Ms. Times a copy of the plan proposed.

Commissioner Wolf said that the road will be improved at the turn off and the ditches will be improved, to address flooding.

Larry Poliner of CPH Engineering said that the road would be improved from 18 feet to 24 feet. Water and sewer have been brought in from Nolan Road. He is planning to put drainage along the road to move the water out. There will be no curb and gutter.

Ms. Times stated that there is a ditch in front of her house that was dug out 2 years ago by the county. There is a ditch across the road from her house also. It has a drainpipe that runs from that ditch, under the road to her ditch. Her ditch does not drain at this time, adding to the flooding problem.

There was no further discussion.

**Commissioner Brown made a motion to recommend approval with staff conditions listed in the staff report.**

**Commissioner Eismann seconded the motion.**

**The motion passed unanimously (5-0).**

**H. Seminola Boulevard Town Homes PUD Rezone; Vanson Enterprises, Inc., applicant; approximately 0.78 acres; Rezone from R-1A (Single Family Residential District) to PUD (Planned Unit Development); located on the east side of Seminola Blvd., 100 feet north of Button Road. (Z2005-054)**

Commissioner Morris – District 2  
Tony Walter, Planning Manager

The future land use on the property is high density residential. Mr. Walter stated that there were a variety of uses around the parcel. To the west side is a car dealership. To the north is a group of single family homes and a church. To the south is county owned land. To the east is a retention pond. To the southeast is a high density residential parcel which is in the City of Casselberry.

The applicant is asking for 9 units to be on the site. Staff has transmitted a list of conditions to the applicant. The City of Casselberry has stated that they will provide utilities to the site. The City has a number of comments and concerns about the development. Mr. Walter said that he has tried to respond to the comments which were received. Several of them would be addressed at the time of final engineering. What we are looking at tonight is compatibility. Staff is recommending approval. There is a development order in the staff report.

The applicant stated that they had not seen the comments by the City of Casselberry.

Hank Lander of 426 Lake Port Cove represented Congregation Beth Chiam, north and adjacent of the site. The congregation has concerns regarding the setbacks and roadway safety. Around Lake Catherine are 52 single family homes set back from the road. The proposed 2-story project is too dense. There is a concern with lights on the back part of the property. Where will the parking be? The roads in the area are 40 MPH here. There is an area of congestion at Button Road. The position of the driveway is a concern. Setbacks are a concern. A trail proposal had the Congregation set their building back. This should be done here too. What will separate the properties? Will there be a wall? Will the view of the road be blocked by a wall at the congregation's exit? What about signage?

Commissioner Tucker asked Mr. Lander if he had seen the comments by the City of Casselberry.

Mr. Lander had not seen them and was given a copy by the commissioners.

Jennifer Wiewlora from DRMP said that there will be garage spaces, each unit has 2 parking places – one in the garage, and one in the driveway. There will be driveways onto the one-way street. There is a 10-foot buffer between the houses and the dry retention pond. There is a 7.5-foot setback to the side property line.

She did not know about the wall. She had just seen the comments from the City of Casselberry. The 35-foot setbacks will not be possible. She will have to ask the applicant if they have to have 9 units here.

Commissioner Brown asked about the entrance being on someone else's property.

Ms. Wiewlora stated that the plan was to align with the county property.

Tom Radzai stated that the county had no objection to the entrance aligning there.

Commissioner Tucker said that the City of Casselberry was providing sewer for the project, and the City will definitely have a say in how the project is developed. Commissioner Tucker pointed out that there would be no time lost if this item were continued until the next meeting of this commission. It is not scheduled for the BCC until January 11.

That was agreeable.

**Commissioner Brown made a motion to continue this item until the December 7 meeting of the commission.**

**Commissioner Eismann seconded the motion.**

Commissioner Brown asked that the applicant consider the comments from the City of Casselberry, particularly about the access and driveways. Also note the park fee proposed.

Commissioner Tucker pointed out the 25% surcharge on water and sewer.

**The motion passed unanimously.**

**This marked the close of the public hearing items.**

**Dan Matthys introduced Scott Stegall from the Seminole County School Board to address class size issues.**

Mr. Stegall stated that there are two elements to determining capacity of a public school. The first is the number of student stations. The Florida Inventory of School Houses, kept in Tallahassee, determines this. This is based on the size and use of a classroom. In the past, it was based on size of the room. Now, with mandated class sizes, FISH has been undergoing amendments. Student stations are places where students can be put. These are 18 at the elementary level, 22 for middle school, and 25 in the high school for core based curriculum. The numbers change by use.

The second is percentage of utilization. The numbers vary from 90 to 100%. These formulas are generated in Tallahassee. Capacity is determined by multiplying the number of student stations by the capacity factors. Factors are: 100 % for elementary schools, 90 % for middle schools, and 95% for high schools. School Districts determine size of schools. Based on these calculations the size of an elementary school is 780 students, a middle school will have 1,500 students, and 2,800 students for high school. This is used for planning purposes.

Senate Bill 360 will mandate the adoption of a school concurrency element. Palm Beach has adopted one at 120% capacity figures.

Commissioner Brown asked what the planner can do to lessen the blow to the schools.

Mr. Stegall said that increases of 1,200 students have occurred annually in the county. Schools must work with the planners. Impact fee generation rates must be examined. Seminole County Ordinance 9204 gives the generation rates.

Dan Matthys said that our county has agreed to go through early concurrency adoption with the state. Interlocal agreements and elements are being started. We have been attending meetings to get a jump-start on the process.

Commissioner Tucker said that the state has required school boards to have representation on planning boards. In the last 3 years, the School Board has sent a representative to one meeting.

Commissioner Tucker said that for a while the board was getting short responses from the school board in writing, but this does not help with the answers to question that arise at public meetings.

Mr. Stegall said that there are only 8 staff members and there are several boards meeting at the same time. He would like to train community volunteers to act on behalf of the schools.

Rezoning will occur until all schools are at capacity.

Commissioner Tucker said that he would like to see the differentials of impact on schools for town houses versus single-family housing or apartments.

Dan Matthys said that he will be coming up with new formulas, updating the current ordinances.

Commissioner Brown asked if schools were at capacity in the future, would new development be turned down.

Mr. Matthys said it would. By 2008, all school districts will have concurrency.

Commissioner Brown said that schools at capacity will shut down development.

Mr. Matthys said that this would be worked on.

Mr. Stegall said that there are two factors: defining the service areas and what is the proportional share mitigation. There are no figures known for impact fees at this time.

Commissioner Tucker said that he had heard \$5,100.00 was a figure that he had heard.

Mr. Stegall said that the cost of land is the basis. Nothing firm is known yet. Mitigation is not mandatory. Deeding of land and dollar amounts are not determined as of now.

Commissioner Brown asked about the fees being based on types of use, such as condominiums versus single-family units.

Dan Matthys said that consultants will come up with figures.

Mr. Stegall said that current figures came from the 1992 impact fee ordinance that was adopted. This is being re-worked. Figures differ from district to district.

Commissioner Eismann asked when rates are changed.

Dan Matthys said that some districts are required to recalculate every 3 years, but this varies. Seminole County will have to determine this for itself. It has not been done since 1992.

Commissioner Brown said that an inflation clause could be put in to keep the changes from being made constantly.

Mr. Stegall said that figures are generated from census figures every 10 years.

Commissioner Tucker mentioned the Charter Committee meeting coming up on Monday night.

Tony Walter pointed out the proposed meeting dates for the LPA/P&Z for 2006. He was especially concerned about approval for the January 11 meeting.

There was no objection to the January date moving to January 11. July 12 was good as well. There was concern about the October date conflicting with school holidays. The full calendar will be approved in December.

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

Respectfully submitted,

Candace Lindlaw-Hudson  
Secretary to the Commission