

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
FEBRUARY 1, 2006**

Members present: Matt Brown, Beth Hattaway, Ben Tucker, Dudley Bates, and Jason Brodeur.

Members absent: Rob Wolf, Walt Eismann

Also present: Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Kim Laucella, Assistant County Attorney; Cynthia Sweet, Planner; Chris Schmidt, Senior Planner; Tom Radzai, Senior Engineer, Development Review; and Candace Lindlaw – Hudson, Senior Staff Assistant.

The Chairman called the meeting to order at 7:00 P.M.

The annual election of Chairman and Vice Chair was now held.

Commissioner Brown made a motion to nominate Ben Tucker to serve as Chairman for the next year.

There were no further nominations.

Commissioner Tucker was elected Chairman by a vote of 5 – 0.

Commissioner Tucker nominated Beth Hattaway to serve as Vice Chairman.

There were no further nominations.

Commissioner Hattaway was elected Vice Chairman by a vote of 5 – 0.

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

Commissioner Hattaway seconded the motion.

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

Commissioner Bates amended the minutes to include the notation on page 1 of “District 2, Commissioner Morris” for the Lake Harney Rezone project description and on page 6 the figure of “1.5 million.”

Commissioner Bates made a motion to accept the minutes as corrected.

Commissioner Hattaway seconded the motion.

The minutes were unanimously accepted with the corrections.

The Chairman then reviewed for the audience the method by which the meeting was to be conducted and the rules for voting.

TECHNICAL REVIEW ITEM:

A. Dodd Road Townhomes; Daly Design Group, Inc., Tom Daly, applicant; approximately 11.42 acres; Preliminary Subdivision Plan approval for 89 townhome lots, zoned PUD (Planned Unit Development); located on the east side of Dodd Road, approximately 300 feet south of Red Bug Lake Road, in Section 24, Township 21 S, Range 30 E.

Commissioner Dallari - District 1
Cynthia Sweet, Planner

Cynthia Sweet stated that the Preliminary Subdivision Plan was on 11.42 acres. Minimum square footage of the dwelling units was to be 1,300 square feet. The project will be served by Seminole County water and sewer. The roads will be private. The application meets all of the criteria for a PSP. This was approved for rezoning on October 25, 2005. Staff recommendation is for approval.

Commissioner Brown asked if the units have garages.

Ms. Sweet stated that the units do have garages.

Commissioner Brodeur asked how many parking spaces were allotted per unit.

Ms. Sweet said that there were 2 parking spaces per unit.

Commissioner Brown made a motion to recommend approval of the PSP.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (5 – 0).

B. Longwood Property; C & G Real Estate Group, Allan Goldberg, applicant; approximately 22.45 acres; Preliminary Subdivision Plan approval for 153 townhome lots, zoned PUD (Planned Unit Development); located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, in Section 20, Township 20 S, Range 30 E.

Commissioner Henley – District 4
Cynthia Sweet, Planner

Ms. Sweet stated that the application was for 149 townhomes on 23.66 acres zoned PUD (Planned Unit Development). The roads will be private and Seminole County will

provide water and sewer. Staff recommendation was for approval, pending BCC approval of the Final Master Plan and Developer's Commitment Agreement.

There were no questions from the commissioners.

Commissioner Brown made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

PUBLIC HEARING ITEMS:

C. Ransom Property Rezone and Small Scale Land Use Amendment; Kim & Tamara Ransom, applicants; approximately .50 acre; Small Scale Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial), and rezone from R-1A (Single-Family Dwelling) to CS (Convenience Commercial); located on the east side of Sanford Avenue, approximately 653 feet north of Airport Boulevard. (Z2005-071 / 12-05SS.03)

Commissioner Carey - District 5
Tony Walter, Planning Manager

Mr. Walter stated that the applicants are requesting a change in the future land use from Medium Density Residential to Commercial and a zoning change from R-1A (Single Family Residential) to CS (Convenience Commercial). The current land use would allow up to 10 units per acre. CS zoning allows uses such as: Barber and beauty shops, book, stationery, and newsstands, clinics, except animal, confectionery and ice cream stores, dance and music studios, drug and sundry stores, fire stations, florist and gift shops, hobby and craft shops, interior decorating and draperies, jewelry stores, laundry and cleaning pick-up stations, libraries, locksmiths, luggage shops office, business, and professional uses, photographic studios, convenience markets, delicatessens, grocery stores, and self-service laundries.

The City of Sanford does not object to this rezoning and land use amendment and has a similar classification in their code called "Residential Commercial" to the south. Staff recommends approval of the request.

The applicant did not speak at this time.

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

Dan Tarleton lives on South Palmetto Avenue and was concerned at to what will be put on the site. He objected to the entrance and exit onto Palmetto Avenue. He said that the area is residential now. He was also concerned with drainage to the south. There

are a lot of children in the area. He was concerned about noise and the environment. What about environmental pollution from uses such as a dry cleaner?

Commissioner Tucker said that this hearing is only for consideration of the zoning and land use change request. Uses would not be considered here.

Kim Ransom said that he is changing the zoning but is only working with the listed potential uses as listed by Mr. Walter.

Tamara Ransom said that the property faces Sanford Avenue. The previous speaker lives on the road behind this property. They will be concerned with a buffer. Sanford Avenue has heavy traffic. There is already a curb cut on Sanford Avenue for this lot.

Commissioner Tucker asked if there was a dedicated use for the property.

Ms. Ransom said there was not.

Commissioner Tucker asked about access.

Ms. Ransom said there was just the one curb cut.

Dan Matthys said that this is a general rezone. All questions concerning access, buffers, and drainage will be addressed at the time of site plan approval.

Mr. Walter stated that in reference to Mr. Tarleton's concern about a dry cleaners and environmental issues, only a pick up and drop off facility could be allowed. No dry cleaning would occur onsite. Mr. Walter repeated the list of potential uses which included: Barber and beauty shops, book, stationery, and newsstands, clinics, except animal, confectionery and ice cream stores, dance and music studios, drug and sundry stores, fire stations, florist and gift shops, hobby and craft shops, interior decorating and draperies, jewelry stores, laundry and cleaning pick-up stations, libraries, locksmiths, luggage shops office, business, and professional uses, photographic studios, convenience markets, delicatessens, grocery stores, and self-service laundries. He said that the county code does not allow access to residential streets from commercial uses. There are commercial uses in the neighborhood now. The code requires active/passive buffers.

Commissioner Tucker asked about residential uses.

Mr. Walter said that north of the property is commercial; there is a lot of commercial in the area. Some of this has residential uses now. Some property is converting to commercial.

Commissioner Tucker asked about the wetlands to the south of this site.

Mr. Walter said that the wetlands are with the Sanford city limits.

Commissioner Tucker asked if the wetlands were likely to be developed.

Mr. Walter said that a determination would be made by the St Johns River Water Management District.

Commissioner Brown asked about the rear of the property abutting a road.

Mr. Walter said that there was a road right of way in the rear. The road is not complete.

Commissioner Brown asked if the rear access for commercial purposes could be forbidden by a deed.

Mr. Walter stated that the county does not allow double access.

Commissioner Brodeur asked if we can forbid delivery trucks from going in on Palmetto Avenue.

Mr. Walter said that we could research that issue.

Commissioner Tucker said that the Palmetto side is MDR (Medium Density Residential).

Commissioner Brown said that this is only .5 acre, and that limits what could happen.

Mr. Walter said that the code does not allow access from a commercial property to a residential neighborhood.

Mr. Matthys pointed out that it would be cost prohibitive to access that road, since the applicant would be required to bring the road up to county standards. Right now it is a paper right of way. When it goes through site plan approval, all of the citizen concerns will be addressed.

Commissioner Tucker asked Mr. Walter about the response of the City of Sanford to this rezone request.

Mr. Walter said that the City had no objection.

Commissioner Brown made a motion to recommend approval of the request for a rezone and land use amendment as per the staff report conditions and with limited ingress and egress to a residential street.

Commissioner Hattaway seconded the motion.

The motion passed 5 – 0.

D. Rustling Oaks; Jim Bishop, applicant; approximately 10 acres; Rezone from A-1 (Agriculture District) to R-1AA (Single Family Residential District) for a Single Family Subdivision; located on the north side of W. McCulloch Road; approximately 950 feet west of Iron Bridge Road. (Z2005-072)

Commissioner Dallari - District 1
Chris Schmidt, Senior Planner

Chris Schmidt stated that the future land use designation for the subject property is LDR (Low Density Residential) and the applicant is proposing a 25 lot single-family subdivision with lot sizes of 11,700 square feet. A lot compatibility analysis yielded a determination of R-1AA zoning. Staff's recommendation is for approval of the request.

Thomas Skelton of American Civil Engineering was present on behalf of the applicant to answer questions.

Commissioner Tucker asked if the applicant had met with area homeowners.

Mr. Skelton said that he had not.

Michael Dugre stated that he was in opposition to the request.

Phillip Z. Fretwell spoke about the rural country atmosphere of the neighborhood. This project would increase the density too much. He had a petition signed by over 50 people in opposition to the project. There were environmental concerns with the development of the land. There are many farm animals in the area. Adding 250 car trips per day to the local road is a concern. Mr. Fretwell lives on 5 acres immediately adjacent to the site of the application. His home is worth \$1.5 million. Many houses in the area are worth in excess of \$800 thousand. These homes would pull down property values in the area. That is unfair to the citizens of the neighborhood. There was a previous application in 1988 which was denied. Quality of life in the area was a major consideration for that application's denial. The Aylor's and the Carrington's were opposed to the rezoning at that time on the basis of the potential changes of the rural country life style. Mr. Fretwell was also concerned about the drainage in the area. Safety with the farm animals and farm equipment were also mentioned. Mr. Fretwell then played a short video showing the rural country lifestyle his property and that of the general area. Farm animals and fields were shown adjacent to the subject property.

Mike DuGre said that he lived close to the property and was objecting to the request. He presented a map of the area which had different color spots on various parcels. The orange dots represented property owners who object to the rezoning. The pink dots were owners who could not be contacted in time for the meeting. All owners contacted were opposed to the request. Mr. DuGre said that he had concerns with increasing density and increased vandalism. He would like the see the density be what it is in the

area now. There are many pedestrians in the area, particularly on Rocking Horse Road. Increased auto traffic would present a major safety issue. He submitted a list of property owners of more than 200 acres in the areas. There are no homes on less than 2.5 acres, with most on 5 and 10 acre tracts in the neighborhood.

Vernon Schmid said that most of the land in the area was in the Jenkins Land Trust. There was a denial on a rezone in the area previously. Fox Chase had to go with R-1AAA zoning. This request is not consistent with the neighborhood. Cardinal Glen and River Walk are opposed to this proposal. Mr. Schmid discussed the packet that was given to the commissioners concerning the past rezoning denial. At that time Harry Hagel and Commissioner Strom were in strong opposition to the request. Commissioner Kerchel said that the 1988 request was the equivalent of spot zoning.

Henry Fitzgibbon said that drainage is a problem in the area, due to the fact that several homes stand on a knoll. The subject property is low. The rezoning request on this property has caused Mr. Fitzgibbon to lose the sale of his property. That was not fair.

Elaine Addington said that she has been an area resident of the area for many years. R-1AA zoning will not be compatible with the area. People come to the neighborhood to see the animals and natural environment. Jogging and bike riding would be dangerous if this rezone takes place. There are no sidewalks here. The property is appropriately a small horse farm now. Please keep it that way. Please protect the environment and our way of life.

Patricia Zeh lives immediately adjacent to the site of the request. She showed pictures of the adjacent properties with barns and homes in the area. The properties are 2.5 to 10 acres.

Peter Patenaude said that he moved to the area because of the country atmosphere. He lives on a 10 acre parcel. Values in the area for homes range from \$600 thousand to \$2 million. This rezoning will diminish property values and endanger wildlife in the area. Only the property owner and the developer will benefit from this rezone. The 1988 decision to deny the rezoning was correct then and is still right.

Len Zamonis was also opposed. The current owner of the property is not here tonight because he must be ashamed of what he is doing. Mr. Carrington has owned this property for years. He will benefit from the sale of the property no matter what he sells it for. This property is right in the middle of an area of less density. Please deny this.

Beth Brunner said that there is only one road into and out of the area. This area is a jewel which is unique and should be preserved as a special environment that benefits both Seminole and Orange Counties.

Clyde Shaffer lives in Cardinal Glen. He represents the residents and presented a petition on behalf of all of the homeowners in his neighborhood. The entire association is opposed. This will start a dangerous precedent.

Thomas Patenaude is the current owner of the property which was the site of the failed rezoning request back in 1988. He is very happy to own the 10 acre parcel. The community has a farm atmosphere. There has been an incident of a child who was not familiar with farms being bitten by a horse. We want to preserve the rural atmosphere.

Mr. Skelton said that growth is coming here. The homes will be 2.5 units per acre. People are leaving here and going to Ocala to buy land. 2.5 units per acre is not a big impact. It is only doubling what is allowed now. There will be 1/3 acre lots. The future land use change was done after staff recommending R-1AA zoning. Drainage will have to meet all of the county criteria of St John's River Water Management District and Seminole County.

The public hearing was now closed.

Commissioner Brodeur asked the builder what the average square footage and average value would be.

Phillip Bressler said that the average square footage will be over 3,000 square feet and be priced starting around \$600,000. He showed pictures of the elevations of typical houses.

Commissioner Hattaway asked if Mr. Carrington was living on the subject property in a mobile home that was unpermitted. Why wouldn't people object to the trailer?

Mr. Schmid stated that the mobile home special exception was about to expire after 10 years. It had not been opposed when it was granted in the past. You cannot see the trailer from the road. Time is up for it.

Commissioner Hattaway asked staff if there was any information on the trailer.

Dan Matthys said that he did not have any information. The Board of Adjustment used to do 10 year approvals.

Commissioner Tucker stated that he was on the Board of Adjustment at that time and that the board rarely did approvals for more than 10 years at that time.

Commissioner Hattaway asked if this is the only piece of vacant land here.

Mr. Schmid said that there are more vacant lots, all of which are 5 and 10 acre parcels. Many are deed restricted to lot size.

Wendy Tricano lives on Rocking Horse Road. She said that Mr. Carrington's home was a manufactured home. It looks like a house. There is one vacant wooded land parcel near Mr. Aylor's land. That is the only one.

Commissioner Tucker asked about the map with the colored lines on it.

Tony Walter said that this was an old map which showed possible routes of realignment of roads over to Dean Road. There was a road called Oak Road. The red line was an alternate road to connect to McCullough.

Commissioner Brodeur asked about the advantage of deferring concurrency review. The applicant has done this.

Commissioner Tucker said that when concurrency is done, water, road, school and sewer impacts are examined. This will be Seminole County.

Dan Matthys said that Orange County may have a water line running up there. Mr. Matthys stated that concurrency is a two step process, done in a preliminary review and a final review. The final review is when you lock in all of the capacities and pay the fees. This is typically done in the final stage. Preliminary concurrency is more or less a test to see what is out there. There are seven areas that are covered: water, sewer, roads, parks, mass transit, drainage, and parks and recreation. Schools will be added to this soon.

Commissioner Brodeur asked what the biggest hurdles were in doing concurrency.

Mr. Matthys said that in the past roads were the biggest concerns. As of 2008 there will be schools as an issue.

Commissioner Brown said that this is not a neighborhood in transition. The homes and atmosphere are quite enjoyable. How the development got in at the end of the road is a mystery. Now those residents don't want the changes.

Commissioner Tucker said that the same thing happened with Autumn Chase in the Myrtle Street area.

Commissioner Brown said that Autumn Chase does not have the same price homes. That became an urban conservation village.

Commissioner Tucker said that the people are at risk with the LDR future land use designation.

Commissioner Brown said that there were many options.

Commissioner Tucker said there will be growing pressure to change the use.

Commissioner Bates said that there was a lot of compelling information. If this particular project does not go forward, the people have to be alert. There will be others. He stated that he felt that the project does not fit into the character of the neighborhood.

It is a gem of the county. He will not support the project going forward because it does not fit the character of the area.

Commissioner Hattaway said that the community is still united against this. She said that the people have to protect themselves. Developers can pay lots of money for property, more than individuals. Property owners need to get with the county and protect themselves. She cannot support this application.

Commissioner Tucker said that a new road alignment will go in on McCullough Road. The land use and road plans do not do not address the life style of the area. Citizens of the area must protect themselves.

Commissioner Brodeur said that he was disappointed that the property owner was not present. Back in 1988 they had been opposed to such action by another person. The same rights and privileges that apply to the neighbors apply to the applicant. The zoning requested falls within the future land use of the area.

Commissioner Bates made a motion to deny the request.

Commissioner Hattaway seconded the motion.

The motion passed 4 – 1. Commissioner Brodeur voted “no.”

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

Respectfully submitted,

Candace Lindlaw-Hudson