

**Minutes for a Special Meeting of the Seminole County
Land Planning Agency
Planning and Zoning Commission
April 5, 2006
6:00 P.M.**

Members Present: Matt Brown, Beth Hattaway, Rob Wolf, Ben Tucker, Dudley Bates, Walt Eismann, and Jason Brodeur.

Also Present: Michael Rumer, Senior Planner; Tina Williamson, Principal Coordinator; Ian Sikonia, Planner; Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Sheryl Stolzenberg, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

A. WORKSHOP ON THE EVALUATION AND APPRAISAL REPORT

Workshop to request a courtesy review of the draft Evaluation and Appraisal Report (EAR) by the State Department of Community Affairs (DCA) 90 days prior to the required adoption date.

Countywide

Sheryl Stolzenberg, Principal Coordinator

At this time a workshop was held with commissioners and staff, led by Sheryl Stolzenberg, Principal Coordinator of the Long Range Planning Team.

Following the conclusion of the workshop and a short recess, the Chairman called the meeting to order at 7:10 P.M.

The Chairman introduced the members of the commission to the audience and explained the methods used to conduct the meeting and the voting on motions.

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

Commissioner Bates seconded the motion.

The motion passed 7 – 0.

Commissioner Eismann made a motion to accept the minutes of the March 1, 2006 meeting.

Commissioner Brown seconded the motion.

The motion passed 7 – 0.

TECHNICAL REVIEW ITEM:

B. Silverleaf Park PSP; KB Homes Orlando, LLC, applicant; approximately 55.0 acres; Preliminary Subdivision Approval for 390 Townhome Units; Zoned PUD; located north of SR 46, on the east side of N. Oregon Street. (05-5500031)

Commissioner Carey – District 5

Denny Gibbs, Senior Planner

Denny Gibbs introduced the Preliminary Subdivision Plan for 390 townhomes. The townhomes will use Seminole County utilities. On April 11, 2006 the rear setback will be modified from 50 feet to 10 feet with an amendment to the Northwest Oregon PUD by the Board of County Commissioners. Staff recommendation is for approval, pending the approval of the amendment to the PUD agreement.

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

Commissioner Wolf seconded the motion.

The motion passed 7 – 0.

PUBLIC HEARING ITEMS:

CONTINUED ITEM:

C. O'Brien Road (204) Rezone; John Herbert, American Civil Engineering, applicant; .17 ± acre; Rezone from R-1 (Single Family Residential District) to RP (Residential Professional District); located at 204 O'Brien Road. (Z2006-07)

Commissioner Henley - District 4

Michael Rumer, Senior Planner

Michael Rumer presented the application for a rezone from R-1 (Single Family Residential District) to RP (Residential Professional District) on approximately .17 acre. The site has a future land use of Office. The applicant will convert a 1162 square foot single family residence to an office. The proposed rezone would allow all general office uses outlined as special uses in the RP zoning district of the Land Development Code. The proposal meets the Code requirements for parking. Staff recommendation is for approval of the request along with the site plan and development order attached with the staff report.

John Reynolds of American Civil Engineering Company spoke on behalf of Rob McNary. He stated that the carport is being enclosed to bring the total square feet of the project to 1,200 square feet. Mr. McNary has approached all of the contiguous property owners. They all approved, with the request that the block wall be painted. Mr. Reynolds said that the wall will be painted.

Commissioner Brown asked if the carport was under the roof now. Is there enough room for the traffic to pass by to the right?

Mr. Reynolds said that the carport is under the main roof now. It is already part of the footprint of the building. There is an adequate traffic pattern.

Commissioner Hattaway made a motion to recommend approval of the application.

Commissioner Bates seconded the motion.

The motion passed 7 – 0.

REGULAR ITEMS:

D. Wekiva Springs Road PCD Rezone; Associated Design & Construction, applicant; 4 ± acres; Rezone from OP (Office Professional District) to PCD (Planned Commercial Development); located at west side of Wekiva Springs Road and east side of E. Lake Brantley Road. (Z2005-066)

Commissioner Van Der Weide – District 3
Michael Rumer, Senior Planner

Michael Rumer said that applicant wants a PCD which will allow CN (Restricted Neighborhood Commercial) uses. The request is consistent with the future land use designation on the property. The PSP will have 2 buildings totaling 18, 175 square feet; Building A will have 6,925 square feet and Building B will have 11,250 square feet. Access will be from East Lake Brantley Drive and Wekiva Springs Road. The property was previously rezoned to OP (Office Professional) in 1983 with the restriction that the buildings were not to exceed one story in height. The applicant is proposing a one story building and a two-story building on Wekiva Springs Road. Staff is comfortable with this since a two-story townhome development is now platted immediately to the south of this request. The request to rezone to PCD is a result of the applicant's desire to have a

dance school. Dance schools are not permitted in the OP zoning district. They would also like a 2-story office building. Staff recommends approval of the request, subject to the site plan submitted and the development order. Mr. Rumer said that the residents of Highcroft do not want increased storm water into Lake Pat. Mr. Rumer stated that those residents did not know that Lake Pat actually belongs to the subject property. Other objections included noise, traffic congestion, and the potential of some of the CN uses because it allows some commercial uses.

Commissioner Tucker asked for an explanation of the Lake Pat issues.

Mr. Rumer said that the 74 townhome units of Highcroft are platted on the west side of Lake Pat. They use the area around the edge of Lake Pat with lights and a trail. They amenitized it. There is a joint drainage agreement and access easements between Highcroft and the subject parcel. The Highcroft development order shows Lake Pat as an off site water retention area.

Mr. Rumer said that the noise, traffic and access onto E. Lake Brantley Road are also concerns of the area residents.

Commissioner Tucker asked for the differences between what had been previously approved and what is requested now.

Mr. Rumer said that the original rezone was 8 lots. The pond was improved. The old plan had 3 buildings. This has 2.

Byron Bonyadi is an architect representing the applicant. He said that the dance school will be in accordance with the code. Storm water is part of the master plan. He is allowed up to 80 percent impervious. He said that this project is 35 percent. This is not a major change, since office is already allowed. A dance

school will not be much difference from a daycare center which is a permitted use in the office zoning district.

Commissioner Eismann asked about the maximum building height.

Mr. Rumer said that the maximum height is 35 feet.

Commissioner Wolf inquired about the hours of operation.

Mr. Bonyadi said that it would primarily operate during after school hours, being a dance school for children.

Commissioner Tucker said that there were 13 requests to speak.

Bill Fahey spoke on behalf of Sweetwater Oaks Homeowners Association, representing 1,400 homes. His concern is that a dance studio is mostly a nighttime use and on Saturdays. The traffic on Wekiva Springs Road has risen from 6,000 cars per day to over 27,000 cars per day. What assurances can we be given that this will not become a 7-11 or a liquor store?

Commissioner Tucker said that this is a PCD. It would have to go through the process again to change use.

Mr. Fahey stated that he was also representing the Regions Bank on the corner. They are concerned about the turn so close to the traffic light.

Commissioner Tucker asked the location of the dance school that is off of Wekiva Springs Road by the 7-11.

Mr. Fahey said that there was a dance school there on Fox Valley Drive.

Jean Swette represents Shadow Bay Homeowners Association, directly across from this project. She said that with the OP rezone in the 1980's there was an agreement to hold to one story here. We are concerned with the traffic in the area. Having access to E. Lake Brantley Road as well as Wekiva Springs Road is not good. Traffic in the area is intense. This should be kept as OP, one-story office. They are opposed to a two-story building and the dance school there.

Dale Bennett, President of the Highcroft HOA, represents the 74 townhomes there. He said that OP fits in with the community; PCD is not good. Please keep it OP zoning. He is concerned with the parking on the lake. People who live in Highcroft use the trail around the lake. They will have a view of the parking lot. Also parking should be moved to the other side of the development. Concerning security, a wall was not put all around Highcroft. There should be a fence to secure the property. This could be a security problem. Dance studios come and go. They have no objection to the office building. The dance studio is the issue. Also, there should be a study of the wetlands and the impact on the wildlife there. Robert Gibbs of Highcroft said that he is opposed to the dance school. This will bring in a bad element to the area. Lake Pat will be impacted. There is a security problem and a concern for wildlife.

Daniel Sherron, Vice-President of Highcroft Pointe said that he is concerned about the building being two stories and looking into the backyards of the townhomes. He is also concerned about noise and traffic. There is a pair of nesting falcons and some wood ducks on the property. The shared drainage was not made clear to the homeowners of Highcroft when they purchased their units. Several people were told that they owned the lake. Another concern is the dance studio going out of business and being replaced by other things. This is wetlands. The noise from this development will travel across the lake into the townhomes.

Gladys Bernstein said that she is opposed to the two story office building and the dance school. When Highcroft was designed, the gate to E. Lake Brantley Road is an emergency access only. E. Lake Brantley is too narrow to take the traffic and turning.

David Bolton from Highcroft Pointe said that he was opposed to this request. Currently the 9 – 5 timeline is what you see in the neighborhood. There is wildlife in the area, also.

Linda Demming lives in Shadow Bay. Her backyard will be exposed to the two story building. This will be an intrusion into her privacy. If this is rezoned it could turn into a Walgreen's in the future. There is a noise problem here already. Also, there is a drainage problem in the area. Her backyard is under water at times now. This will remove drainage potential from the area.

In rebuttal, Mr. Bonyadi said that the 2 driveways were to cut down on the traffic. The buildings are put the way they are to be near the bank. The parking is 600 feet from any residence. The project is within the threshold of impervious area. No endangered species have been reported.

Mr. Rumer said that the OP zoning allowed 35-foot buildings, and the corresponding development order from the original zoning limited the land to one- story buildings.

Commissioner Tucker asked how this will impact this request.

Michael Rumer said that the two-story building sits on the Wekiva Springs Road side, 70 feet back. The staff found that compatible.

Commission Tucker asked about traffic.

Mr. Rumer said that the 200-foot driveway separation was met. They are dedicating 7 feet of right of way for future improvement.

Dan Matthys said that there will be a concurrency study of this. It may go through further traffic analysis.

Commissioner Tucker asked about analysis done during the development of Highcroft and the back emergency gate. Wasn't this for emergency access only?

Mr. Rumer stated that the Highcroft Developer's Commitment Agreement does not mention "no access off of E. Lake Brantley Road", but the approved site plan that was passed by the BCC shows the access as a "gated emergency access only."

Commissioner Tucker said that the recommendation to keep the access to emergency use only came from the P&Z commissioners and partly because of the access for this land.

Tony Walter said that the plan from 1983 shows an access to E. Lake Brantley Road which is slightly different from the one shown tonight. Mr. Walter said that the plan showed only emergency access.

Commissioner Tucker asked about the drainage in the area.

Mr. Walter said that the drainage in the area exceeds the drainage criteria.

Commissioner Tucker asked about the Lake Pat issues.

Mr. Rumer stated that this rezoning will not change any of the pre-existing agreements or easements. The drainage plan will have to pass the regulations of the county and state.

Commissioner Tucker noted that the building will be 600 feet away from any homes. The wildlife in the area listed by state does not include any endangered species.

Mr. Rumer said that a wildlife office walks the site prior to the Development Review meeting and will give a wildlife study at the time of site plan review.

Commissioner Hattaway asked if the parking will be buffered from Lake Pat.

Mr. Rumer said that it is not explicitly required.

Commissioner Tucker asked about the landscaping on the plan that was submitted.

Mr. Bonyadi said that the plan showed existing trees only. The appearance of the two buildings will be similar and coordinated. There will be a drop-off pattern and parking on the site.

Commissioner Tucker asked if the one-story building could be used as something else.

Mr. Rumer said that it could be used for any of the uses in the CN Neighborhood Commercial District uses from the Land Development Code. Prohibited uses are service stations, restaurants, banks, funeral homes, parking garages, hotels, day nurseries, animal clinics, self-service laundries, bars, cocktail lounges, bakeries, plumbing shops, appliance stores, outdoor advertising signs, flea markets, and parking of semi-trailers. Permitted uses include: artist studios, barber and beauty shops, book, stationery, and news stands, clinics, ice cream store, drug and laundry store, fire station, florist and gift shop, interior decorating, hobby

shop, jewelry store, luggage store, office and business professional, physical fitness center, retail paints, post office, and retail sporting goods shop.

Commissioner Tucker asked if a physical fitness studio would be close to a dance school for comparison.

Mr. Rumer said that it would be.

Commissioner Wolf asked about the trees around the lake. They are natural trees. There were comments from neighbors about being able to see across. Will the final plans show more trees to make more of an opaque barrier across the lake?

Mr. Bonyadi said that the Land Development Code requires a tree every 25-feet and shrubs also. The county standard is 3 inch wide, 10 foot high trees. A landscape architect will work on the design.

Commissioner Wolf asked if there were specific lights required for this project.

Mr. Rumer said that there was a light ordinance which deals with type and power of lights used.

Commissioner Brown asked if there was going to be hedges between the parking lot and the lake.

Mr. Bonyadi said that the Land Development Code required it.

Mr. Rumer said that any further changes, such as industrial uses, would require a land use change.

Commissioner Brodeur made a motion to approve the request.

Commissioner Brown seconded the motion.

Commissioner Brodeur asked the board members if there had been a land use change for the Highcroft development.

Tina Williamson said that the land use had been changed to Planned Development.

The motion passed 7 – 0.

E. Wekiva Springs Road (357) OP Rezone; Frank Ricci, applicant; approximately .98 acres; Rezone OP (Office Professional) to OP (Office Professional) for a Medical Office; located on the west side of Wekiva Springs Road, north of Springs Plaza. (Z2005-074)

Commissioner Van Der Weide – District 3
Michael Rumer, Senior Planner

Michael Rumer presented the application for the 10,200 square foot doctor's office complex which will be replacing the current building of approximately 2,200 square feet. The proposed building will be 2 stories tall. The property was rezoned to OP (Office Professional District) in 1983. The Land Development Code requires that any substantial change in the design should be brought back to the Board of County Commissioners for approval. Staff recommendation was for approval.

Frank Ricci stated that Dr. Cannizzaro current building is old and is approximately 4,300 square feet.

Kurt Elsburger of 337 Wekiva Springs Road was concerned about his privacy. The other 2 story buildings in the area have landscaping buffers. The north side of his property has only a 3 foot tall hedge.

Mr. Ricci stated that the lot will have adequate landscaping buffering.

Michael Rumer said that no active passive buffers were required with Commercial future land use and OP zoning. He referred to condition “D” of the development order which requires at the time of final site plan approval for the developer to provide sufficient plantings and landscape buffers to provide opacity and to keep the parking area to be viewed by the single family residence to the south. The Planning Manager will see the landscape plan.

Commissioner Tucker said that this will be enforced.

Commissioner Bates made a motion to recommend approval of the application.

Commissioner Eismann seconded the motion.

The motion passed 7 – 0.

F. NEC SR 426 & Chapman Road Rezone and SSLUA; Larry Poliner/CPH Engineers, applicant; approximately 2.28± acres; Small Scale Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and Rezone R-3A (Multiple-Family Dwelling) to CN (Restricted Neighborhood Commercial); located on the northeast corner of SR 426 & Chapman Road. (Z2005-061 / 12-05SS.02)

Commissioner Dallari – District 1

Michael Rumer, Senior Planner

Mr. Rumer presented the application for a future land use amendment from MDR (Medium Density Residential) to Commercial and a rezone from R-3A (Multiple-Family Dwelling District) to CN (Restricted Neighborhood Commercial). Mr. Rumer stated that the uses in CN were compatible with the surrounding area. Staff recommendation was for approval.

The applicant did not make a presentation.

Donald Kovac, Executive Director of Lutheran Haven stated that the project was part of their strategic plan. They have a new nursing home and assisted living facility; this property is on the corner and is not needed in their facility development.

Steven Ratcliff of East Chapman Road also spoke in favor of the request. He stated that the area needs light retail – commercial uses.

Commissioner Eismann asked about the emergency response time figures for this project. There were none given. The site is 3.3 miles from the nearest fire station (Station 27).

Mr. Rumer stated that it was an oversight, and that the figures had not been intentionally left out.

Commissioner Eismann stated that this does not meet the 5 minute response time standard. He had driven the route himself.

Commissioner Tucker asked about the widening of Chapman Road.

Larry Poliner stated that he had a meeting with J.R. Ball. Mr. Poliner will give a 40-foot strip of land for the widening of the right of way, to accomplish 4-laning and turn lanes. Access issues have also been resolved.

Commissioner Bates made a motion to recommend approval.

Commissioner Brown seconded the motion.

The motion passed 7 – 0.

G. SEC SR 426/Chapman Road Rezone and SSLUA; Larry Poliner, CPH Engineers, applicant; approximately 1.56 acres; Small Scale Land Use Amendment MDR (Medium Density Residential) to Commercial and Rezone from A-1 (Agriculture District) to C-1 (Commercial District); located on the southeast corner of Chapman Road and SR 426. (Z2005-059 / 12-05SS.01)

Commissioner Dallari - District 1
Michael Rumer, Senior Planner

Michael Rumer stated that the 1.56 acre site is being requested for a Future Land Use Amendment to Commercial from Low Density Residential, and for a rezone from A-1 (Agriculture District) to C-1 (Commercial) zoning. Staff recommendation is for approval of the request.

Donald Kovac, Executive Director of Lutheran Haven, requested a recommendation for approval. He stated that Chapman Road widening has been discussed for years, but there is nothing definite in the works.

Commissioner Brown noted that this will have no impact on the schools, except for the positive reduction of 3 potential students.

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

Commissioner Wolf seconded the motion.

The motion passed 7 – 0.

H. Magnolia Corporate Center Rezone; Jack Reynolds/American Civil Engineering Co., applicant; 5.48 ± acres; Rezone from R-1 (Single-family Dwelling) district to PCD (Planned Commercial Development) district; located at 2542 W. SR 426. (Z2005-075)

Commissioner Dallari – District 1

Tina Williamson, Principal Coordinator

Tina Williamson stated that the site has an Industrial Future Land Use designation. The site will be built in 2 phases, with 60,000 square feet developed in Phase I. Permitted uses include those of the OP office district and CN neighborhood commercial district, and banks and restaurants, but not drive-ins.

Staff recommendation is for approval.

Jack Reynolds stated that the site has 700 feet of frontage on Rt. 426, with one access point. He has DOT approval for a curb cut. There is a right-in, right-out due to a raised median on 426. Heading north on 426 to enter, one must go out to Mikler Road and enter on Mikler Road. Mr. Reynolds stated that he had proposed a median cut and that he was declined by D.O.T. There will be excessive landscaping facing the Rails to Trails area. The Fire Station is 5 minutes away. There will be a cross access easement on the front of the property.

Commissioner Tucker asked about the sewers.

Mr. Reynolds stated that there was a forced main on Mikler Road, toward Iron Bridge.

Howard Glover stated that he owns Lot 2, an adjacent property. He stated that the driveway proposed will cover his driveway.

Mr. Reynolds said that access to Mr. Glover's property is across the trail to onto his lot. If the site develops commercially, the access to his property could improve. There are plantings there now.

Commissioner Brown said that Mr. Glover will have to give up the curb cut; he could have a curb cut of his own. Curb cuts are typically at the property line, not in the middle of the length of the parcel.

Jack Reynolds said that such a condition could be a hardship.

Commissioner Brown said that this could be unfair to Mr. Glover.

Mr. Glover said that it is a concern to him; now he has independent access to his property.

Commissioner Tucker said that with this plan Mr. Glover would have to come in the entrance and then will have to go through the parking spaces to access his property.

Commissioner Brown said that there is no cross access to his property.

Tina Williamson said that the separation for driveways is 200 feet.

Commissioner Tucker said that such requests are not always granted.

Tina Williamson stated that cross-access is not required by the DOT, and a cross access easement is not included in the development order.

Dan Matthys said that he has never heard of the DOT taking away someone's access. He did not see this as a problem.

Commissioner Brown asked how much property Mr. Glover had.

Mr. Glover stated that he had 0.85 acres.

Commissioner Tucker said that it is unlikely that Mr. Glove has 200 feet of frontage.

Commissioner Brown asked if the site plan is part of tonight's approval.

Dan Matthys stated that the plan shown is a preliminary bubble plan. Tonight, only the zoning is being considered.

Commissioner Tucker said that this application could be approved without access being resolved.

Mr. Matthys said that this could be resolved later, between the applicant, Mr. Glover and the DOT.

Commissioner Brown said that the cross access easement could aid Mr. Glover, in that he would not have to tie up any of his property for a driveway.

Commissioner Hattaway said that it was not right that Mr. Glover should have to make these decisions tonight.

Mr. Matthys said that the DOT may require the access to be at the very southern portion of the property, so a cross access easement may be possible, or a joint access.

Tony Walter said that the applicant is proposing his half of the cross access. Mr. Glover could get a right in / right out on his property when he comes in to develop it.

Commissioner Hattaway asked if the entry could be moved to the south.

Tony Walter said that Mr. Glover could work this out prior to site plan approval.

Dan Matthys said that the board cannot condition another property owner on this.

Commissioner Hattaway asked if Mr. Glover had plans for development.

Mr. Glover said that he does not have plans at this time, and that he does not want to use someone else's driveway. He does not object to the rezone.

Mr. Matthys said that if Mr. Glover develops he would be obliged to ask for a cross-access easement at that time. Now Mr. Glover's property is residential. If he rezones, there would be a requirement for a cross-access easement.

Commissioner Tucker said that the whole area is changing in character, so Mr. Glover's property will probably become commercial.

Mr. Matthys said that the access could be conditioned in two ways. He would leave it up to the DOT.

Commissioner Tucker said that such a thing would require joint access.

Commissioner Tucker said that the access point is the issue.

Commissioner Eismann said that putting the access in front of Mr. Glover's house would not be a good thing for now.

Commissioner Hattaway said that it would protect Mr. Glover in the long run.

Mr. Matthys said that the DOT will have the final word and access.

Commissioner Tucker said that he had no problem with the project as presented, except for the impact on Mr. Glover.

Commissioner Hattaway agreed.

Commissioner Brown said that it appears that the County would not let Mr. Glover use the access that he has, and that he would have to use a cross-access easement if he rezones.

Mr. Matthys said that things are considered on a case-by-case basis.

Commissioner Brown restated that Mr. Matthys is saying that the County will require that Mr. Glover would have to use a cross-access.

Mr. Matthys said that there are policies in the Land Development Code that require cross-access easements on all commercial and office properties.

Commissioner Eismann stated that a zoning is under consideration tonight. The PSP is not being approved this evening. The Commission is in agreement that the current driveway will not be taken away. The discussion has been hinging on the future potential rezoning of Mr. Glover's property.

Mr. Matthys said that if the rezone is approved, it should be conditioned that the applicant meets with the DOT to locate the access as far to the south as possible to provide joint access. If that is unacceptable to the DOT, then provide a cross-access easement.

Commissioner Hattaway made a motion to recommend approval with the condition that the applicant meet with the DOT to locate the access as far to the south as possible, in order to provide joint access. If that is not acceptable to the DOT, then the applicant shall provide a cross-access easement to Mr. Glover.

Commissioner Wolf seconded the motion.

Commissioner Eismann said that moving the driveway as far south as possible would put the entrance to a 3-story office building in Mr. Glover's front yard.

Commissioner Wolf asked how this could be worked out.

Commissioner Brown said that putting in a cross-access easement could cause the parking lot to be redesigned, since there is a plan for parking where the easement would go.

Commissioner Eismann said that we do not know the configuration of Mr. Glover's lot.

Commissioner Brown said that there should be a note to the BCC that this board has a concern about Mr. Glover's access.

Commissioner Hattaway said that at this point in the process, Mr. Glover's property should be protected as much as possible.

The item was now continued to the close of the meeting in order to allow Mr. Glover to confer with the applicant and staff.

The item was finished at the close of the meeting. Dan Matthys reported that Mr. Glover has a 20-foot access now which would be inadequate for future commercial use. The County will require the joint access for future commercial development. Mr. Glover is agreeable to this.

Mr. Glover confirmed that he agreed with Mr. Matthys.

Commissioner Eismann made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed 7 – 0.

I. Seminole Business Center II Rezone; William E. Burkett/Burkett Engineering, Inc., applicant; 6.3 ± acres; Rezone from A-1 (Agriculture) district to PCD (Planned Commercial Development) district; located on the north side of SR 46, 0.16 miles east of Monroe Road and abutting Narcissus Avenue. (Z2005-027)

Commissioner Carey – District 5
Tina Williamson, Principal Coordinator

This item was requested for continuance.

Commissioner Bates made a motion to continue this item to the May 3, 2006 meeting.

Commissioner Hattaway seconded the motion.

The motion passed 7 – 0.

J. NW Oregon PUD Major Amendment; Shutts & Bowen, LLC., applicant; 72.90 ± acres; Major Amendment to a PUD (Planned Unit Development) district Master Plan; located on the northwest corner of the intersection of SR 46, and N. Oregon Street. (Z2005-073)

Commissioner Carey – District 5

Tina Williamson, Principal Coordinator

Ms. Williamson stated that lots 2, 3, 4, and 5 are currently slated for 26,000 square feet of commercial retail use. The proposed amendment proposes increasing the total square footage allowed on Lots 2, 3, 4 and 5 to 39,809 square feet, combining the lots and allocating the additional square footage as follows:

1. Lot 2 (former Lots 2 and 3) – 17, 609 square feet
2. Lot 3 (former Lot 4) – 11,200 square feet
3. Lot 4 (former Lot 5) – 11,000 square feet

The uses allowed on the subject lots will remain all permitted and conditional uses described in the C-2 Retail Commercial District, except laundromats, video and pinball machine arcades, clinics, stand-alone bars and lounges, drive-in theaters, flea markets (open air), auto repair, paint and body shops, hospitals and nursing homes, personal and mini-storage facilities and billboards.

The staff recommendation is for approval.

Robin Drage represented the applicant. She presented a new traffic analysis. Uses for lot 2 &3 will be retail, Lot 4 will be retail, and Lot 4 will be retail and restaurant. Under the proposed revision, the traffic impact will be lowered.

Commissioner Brown asked what determined a “high turnover restaurant.”

Ms. Williamson said that a restaurant would be a high turnover restaurant if diners were in and out in 40 minutes.

Commissioner Brown made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed 7 – 0.

K. Big Boys Storage/2563 Mikler Road Rezone; Yvonne Cader & Randy Thompson, applicants; 2.25± acres; Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale); Located on the north side of Mikler Road approximately 850 feet west of the intersection of Mikler Road and SR 426. (Z2006-10)

Commissioner Dallari – District 1

Ian Sikonia, Planner

Ian Sikonia stated that this is a request for a change from A-1 (Agriculture District) zoning to C-3 (General Commercial and Wholesale District) for outdoor storage. The request is in line with the Industrial future land use designation of the site. Staff recommendation is for approval.

Ed and Margaret Pula stated that they are in favor of the request. They are adjacent property owners.

Steve Ratcliff owns land across the street. He is concerned with the status of Mikler Road and its being improved.

Henry Burroughs lives next door. He said that Mikler Road is a dead end there. He does not want commercial uses next to his land. This will bring traffic. He is opposed to the request.

Eric Ludington lives next door. He said that the area is heavily treed. With commercial uses there, that would be directly next to his single family residence. He is opposed.

Randy Thompson stated that there are 8 homes on the road. What is happening on the road will impact him more. Trees on this parcel have been felled by the hurricane. Traffic is minimal there now. Thompson Electric is at the end of the road.

Commissioner Tucker asked how many spaces there would be.

Mr. Thompson said that there would be 110 spaces. There will be an electric gate with 24 hours access for boats, trailers, and RVs. He could limit hours.

Commissioner Tucker asked about other development in the area.

Michael Rumer said that there is an autobody shop on the south side and another rezone on the corner coming in June.

Commissioner Wolf said that the satellite picture makes the area look rural. How did it get the Industrial future land use?

Commissioner Brown said that the two highways – 417 and 426 – brought in an industrial corridor there.

Commissioner Tucker said that this request will be the first of several in the area.

Ian Sikonia stated that the existing homes in the area were built in the 1970s.

Commissioner Brown said that a voluntary condition could be placed in the rezone for a limitation of operating hours, which could be lifted after the residential use ceases next door.

Commissioner Wolf said that he would support the stipulation of restricted hours.

Dan Matthys said that such a stipulation cannot be mandatory.

Randy Thompson said that he had no objection to closing at 10 P.M.

Commissioner Brown said that the operating hours could be from 10 P.M. to 6 A.M.

Commissioner Brodeur said that the restrictions could be lifted when the adjoining properties are rezoned commercial or industrial.

Kathleen Furey-Tran urged the board not to make such statements. The board cannot condition a zoning.

Commissioner Tucker said that he could not vote for this.

Commissioner Brown made a motion to recommend approval.

Commissioner Brodeur seconded the motion.

Commissioner Brown stated that he did not think that this would be a problem.

Commissioner Wolf said that it is up to the board to protect the rights of the citizens.

Commissioner Eismann asked how that could be done.

Commissioner Brown said that the applicant will continue to own this parcel and will address his neighbor's concerns.

Commissioner Brodeur said that the future land use of "Industrial" will bring changes all around this parcel.

Commissioner Hattaway said that she has tenants who are asked to restrict their operations.

Commissioner Brodeur stated that the County has noise ordinances.

Commissioner Hattaway said that she cannot "not" vote for this.

The vote was 5 – 2 in favor of the motion. Commissioners Wolf and Tucker voted "no."

Tony Walter stated that there will be at least 6 cases on the next agenda.

Dan Matthys said that there would also be a briefing on the Grande Oaks Community Development District.

There being no further business, the meeting adjourned at 9:40 P.M.