

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
JUNE 7, 2006**

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

Members absent: Walt Eismann, Rob Wolf.

Also present: Tony Walter, Planning Manager; April Boswell, Assistant Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Benjamin Dunn, Senior Planner; Arnold Schneider, Assistant County Attorney; Kelly Brock, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The meeting was called to order by Chairman Tucker at 7:00 P.M. He introduced the members of the commission to the audience and reviewed the manner in which the meeting was to be conducted and the rules for voting.

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

Commissioner Hattaway seconded the motion.

The motion passed 5 – 0.

Commissioner Bates noted the change of name on page 9 from “Walsh” to “Wolf.” He then made a motion to accept the minutes as amended.

Commissioner Hattaway seconded the motion.

The motion passed 5 – 0.

Technical Review Item:

A. Banyon Pointe Subdivision PSP; Ashton Orlando Residential, LLC, applicant; 9.34± acres; Preliminary Subdivision Plan approval for 33 lots; located south of West Lake Mary Boulevard and west of Longwood Lake Mary Road.

Commissioner Henley – District 4
Brian Walker, Planner

Mr. Walker stated that the Preliminary Subdivision Plan will have 33 lots that are zoned R-1BB (Single Family Residential). The lots will be 5,000 square feet in size and will

have Seminole County water and sewer, with reclaimed water required. Staff recommendation was for approval.

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

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

PUBLIC HEARING ITEMS:

B. Red Bug Lake Road Townhomes Rezone; Curt Cogan, applicant; approximately 19 ± acres; rezone from A-1 (Agriculture District) to R-3A (Multi-Family Dwelling); located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell.
(Z2005-28)

Commissioner Dallari – District 1
Benjamin Dunn, Senior Planner

Mr. Dunn introduced the application for the rezone of 19 acres from A-1 (Agriculture District) to R-3A (Multi-Family Dwelling District), stating that staff recommendation was for approval.

Chris Cogan stated that this was an infill project in the middle of a densely developed area. It has Medium Density Residential future land use and has 13.5 net developable acres. There will be 46% open green space on this project.

Joseph Lung is the Chairman of the Friends of Lake Howell. He is opposed to the project because of a concern for the water quality and the fragile state of Lake Howell. He was also concerned about increasing boat traffic on the Lake. There are 5,000 people living on the lake now. There are safety issues on the lake. It is already crowded. Mr. Lung noted that the lake is a private lake, with no funding available to help the lake. There has been \$210,000.00 spent in the last 2 years to help the lake due to development.

Elizabeth Taylor said she is a resident of Lake Howell. Property values have been increasing in the area. She is concerned that the condos will be owned by investors and that the integrity of the area will decrease.

Heather Ramos represented John and Linda Schwartzman, adjacent neighbors to the subject property. The Schwartzman's property is surrounded on two sides by the proposed condominium site. They will be forced to look at a 6 foot wall. This is a two story development. Ms. Ramos said that progress was inevitable, but the

Schwartzmans are requesting single family zoning. This zoning will allow up to 10 dwelling units per acre. This proposal does not maintain the integrity of the area. In 1981 a similar proposal here was denied. She asked that the proposal be denied, or recommended at a lower density. Also, any development to the northeast should be one story and she also requested a gate on the access easement.

John Schwartzman said that the traffic in the area is too high; the proposed number of homes will add too much traffic. All of the houses around the site are single-family. This density is too much. He has a perpetual private easement across the property. He could rezone and have multiple homes on his property too.

Lynn Schwartzman showed two pictures of the property. She has lived there for 12 years. She had hoped to retire there. Now their property is being walled and there will be a noisy clubhouse next to them. She said that a single-family development is more appropriate here. Traffic from 240 potential cars will be bad. She requested that the application be denied.

The next speaker said that this community will have a boat ramp. It will have an adverse effect on the lake.

James Travis of 348 Georgetown Drive said that he concurred with the concern about the traffic on the lake. The lake is private. He does not want another boat ramp on the lake.

Bob Musser of 278 Lake Howell Lane said that zoning should allow for transitions. This is between 2 A-1 zonings. There is no boat ramp on Lake Hurst. The density should be limited to 4 – 6 units per acre.

Carol Mears said that she has lived on Lake Howell for 30 years. This lake is special. The proposed development will devalue her property. Her home is contiguous to the site. She noted that traffic backs up to Deer Run. The DOT will not redo the intersection for a few years. The site is also an active site for a community of gopher tortoises.

Chris Cogan said that he is aware of water quality issues. With 5,000 people on the lake, Lake Howell is one of the largest in Orange or Seminole Counties. He has a degree in environmental science. His project will have 46% open space. He is seeking a lower density than the 13 dwelling units allowed by the requested zoning.

Mr. Cogan said that this is an upscale community, which will be an asset to the neighborhood. It took years to assemble the property. There is another multi-family property to the east.

Mr. Cogan said that he had asked for input from the Swartzmans last year and had no response. Ms. Mears did not respond either. He is available now and will talk to the Friends of the Lake.

He will put a landscape buffer along the driveway. The gopher habitat was surveyed. He found only one tortoise on the property. He is committed to remaining open to the public.

Commissioner Tucker asked Mr. Dunn to address the traffic concerns.

Mr. Dunn said that traffic in the area was at Level "F" and that a flyover was planned for the area within 2 years.

Tony Walter said that a design is being done. It will be in the 5-year plan.

Commissioner Tucker noted that it was not in the current 5-year plan.

Mr. Walter agreed.

Commissioner Tucker asked if there had been a change in status of the gopher tortoise from endangered to threatened, and if this would change anything.

Michael Rumer stated that nothing had been determined yet.

Tina Williamson said the treatment of the tortoises would not change, whether they were endangered or threatened.

Commissioner Tucker asked about the easement.

Mr. Dunn said that the easement was a matter between two private parties.

Tina Williamson said that gates will have to be provided.

Commissioner Brown said that it was unclear what the Schwartzmans wanted, since they had made differing statements from their attorney's views.

Commissioner Brodeur said that this was a private lake. How was a boat ramp to be handled?

Mr. Dunn said that the boat ramp would be private.

Commissioner Hattaway asked where the boats would be stored.

Curt Cogan said that each unit has a 2-car garage; otherwise, boats must be stored off-site. The homeowner association will handle this. People will have to use storage facilities for their boats.

Commissioner Hattaway said that she did not want boats sticking out over sidewalks if they were in the driveways.

Tina Williamson stated that outside storage of boats and RVs is to be prohibited.

Commissioner Hattaway stated that she would like the applicant to meet with the Swartzmans.

Mr. Cogan said that he met with them today.

Commissioner Brodeur asked if the School Board representative commented on this application.

Mr. Dunn said that no one had commented.

Commissioner Brodeur said that the project was much less dense than it could be.

Commissioner Brodeur made a motion to approve the request.

Commissioner Brown seconded the motion.

Commissioner Brown said that Lago Vista is nearby. He is concerned about the placement of the pool. He is glad to see boat provisions.

Commissioner Hattaway favored the clubhouse and pool, but was concerned with the boat ramp.

Commissioner Brown asked who had jurisdiction over the lake.

Mr. Dunn said that the DEP did.

Commissioner Tucker said that he would be voting against this. This is infill that people are concerned about. This density is not compatible.

Commissioner Bates said that he agreed with Commissioner Tucker. The applicant has tried to make the project fit, but the project will have a significant impact with 120 townhouses.

Commissioner Brown pointed out that with Medium Density Residential future land use, why not do this project? What else could go there?

Commissioner Tucker said that different types of projects could go there.

Mr. Dunn said that the issue before the board was the zoning request. The future land use is already in place.

The vote was 3 – 2 in against the motion. Commissioners Hattaway, Bates and Tucker voted “no.” (Motion failed.)

C. Lake Howell Lane / Meahl Rezone; Richard Meahl, applicant; 2.24± acres; rezone from A-1 (Agriculture) to R-1 (Single-Family Dwelling); located on the north side of Lake Howell Lane, approximately 760 feet east of the intersection of Lake Howell Lane and SR 436. (Z2006-21)

Commissioner Dallari - District 1
Michael Rumer, Senior Planner

Michael Rumer introduced the application and stated that a lot size compatibility analysis was not run due to the lake and the properties adjacent being in the City of Casselberry. Staff recommendation is for approval.

The applicant said that they agree with the staff recommendations. This request is consistent with the future land use designation for the property.

Robin Vail said that the project will have 7 homes, not the 9 that potentially could be developed here. The trees will be preserved. This is next door to a multi-million dollar home. Currently there is a boat dock and ramp between the adjacent property and this one.

Commissioner Tucker said that this is straight zoning.

Ms. Vail said that the lots will be 8,400 square feet with 2,500 square foot houses.

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

Commissioner Brodeur seconded the motion.

The motion passed 5 – 0.

D. W SR 46 Subdivision Rezone; Tony Cipparone, applicant; 28± acres; Rezone from A-1 (Agricultural) and RM-3 (Travel Trailer Park & Campsites) to RC-1 (Country Homes); located on the north side of W SR 46; 3,300 feet west of the intersection of SR 46 and Orange Blvd. (Z2006-25)

Commissioner Carey – District 5
Michael Rumer, Senior Planner

Mr. Rumer said that the applicant is requesting the rezone in order to develop a 21 lot single family subdivision zoned RC-1. The proposed zoning allows lots with a minimum size of one acre and a minimum width of 120 feet. This property will have to comply with the standard of the Wekiva River Protection area, the Wekiva River Study Area, and the Rt. 46 Scenic Corridor overlay. Staff recommendation is for approval of the request.

Ron Hinson of Design services Group said that this project will preserve the trees. It will have public utilities. The site is adjacent to a nursery and a camp ground..

Commissioner Tucker asked about the existing right of way to SR 46.

Mr. Hinson said that was a non-issue.

Thomas Vellanti, owner of the 12 Oaks RV Resort, spoke next. He said that developers clear land. He does not want to see a big sand lot next door. SR 417 will be coming into SR 46 right at the entrance to 12 Oaks Park. He also wants the drainage pond preserved.

Mr. Hinson said the goal is to preserve trees. The lots will be one acre lots, with dimensions of 120 feet by 310 to 320 feet. The wetlands have been delineated, with a 50 foot upland protection outlined.

Commissioner Bates made a motion to recommend approval.

Commissioner Brodeur seconded the motion.

Commissioner Hattaway asked if the schools had been notified. She and Commissioner Brodeur expressed concern for school overcrowding in the area.

Mr. Rumer said that the School Board had been notified, with no response.

The vote was 5 – 0 in favor of the motion.

E. Lake Howell Lane / Schauder Rezone; Ellis Schauder, applicant; 5.68± acres; rezone from R-1AAA (Single-family Dwelling) to A-1 (Agriculture); located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436. (Z2006-29)

Commissioner Dallari - District 1
Michael Rumer, Senior Planner

Mr. Rumer said the applicant is asking to rezone to construct a detached garage in front of the main residence. This would be allowed in A-1 zoning if it is set back 100 feet from the front property line. The requested zoning is in line with the future land use designation on the property. Staff recommendation is for approval.

Ellis Schauder said that the rezoning is necessary for him to have a detached garage on his property.

Commissioner Brown made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

F. San Mary Office Small Scale Land Use Amendment and Rezone; Dat Minh Le, applicant; 4.85 ± acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to Office and Rezone from A-1 (Agriculture) to OP (Office); located on the south side of Lake Mary Boulevard, between College Drive and Ridge Drive. (Z2004-054/10-04SS.02)

Commissioner Carey-District 5
Tina Williamson, Principal Coordinator

Tina Williamson introduced the application for a rezone which would allow a 3 building complex. Two buildings would be one story high. One building would be 2 stories high. Staff recommendation is for approval.

Commissioner Tucker asked about the access to College Drive.

Ms. Williamson said that the applicant did not get permission to have access to College Drive. Access will come from Ridge Drive.

Jean Abi Aoun said that the site has a tennis court facility there now. The office park will have one story structures near the homes. The buildings will be constructed to look like residential style structures. The college is expanding and did not want to share the road. This site plan meets County requirements. The City of Sanford will provide water and sewer. They have no objection to the project.

Penny Miller of Fairlane Estates has been a resident there for 9 years. She supports the project. The tennis courts there have been abandoned for some time, with undesirable side effects.

Donald Tice lives in Fairlane Estates. He is in favor of the project. He asked why the property would annex into the City of Sanford.

Commissioner Tucker said that annexation was necessary to get water and sewer from the City.

Mr. Tice said that his neighborhood has Sanford water and sewer and did not annex into the City.

Commissioner Hattaway was concerned about the appearance of the buildings from the college's entrance driveway and the placement of garbage dumpsters.

Jean Abi Aoun said that there was a landscape buffer on the west side. It will have a residential setting. Garbage would be held in the north portion.

Commissioner Hattaway asked what type of client would be there.

Mr. Abi Aoun said that the site would be professional offices.

Commissioner Hattaway said that she would like to see extra buffering on that side to add to the beauty of the area..

Mr. Rumer said that College Drive has a large landscape berm at the beginning of the drive.

Commissioner Brodeur asked about the traffic count from the project.

Mr. Abi Aoun said that he would estimate 530 trips per day.

Tina Williamson said that the County Traffic Engineer estimated 486 trips.

Commissioner Brodeur made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

WORKSHOP:

G. Workshop on the Seminole County Engineering Manual

Tony Walter introduced the Engineering Manual which was distributed at the meeting. He asked that the Commissioners send comments and questions via e-mail, which will be addressed at the July 12th meeting. Mr. Walter said that staff has gathered technical issues from the Land Development Code. There has been consolidation and removal of redundancy.

The meeting adjourned at 8:50 P.M.