

**MINUTES OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION**

**WEDNESDAY, OCTOBER 4, 2006
7:00 P.M.**

Members present: Ben Tucker, Beth Hattaway, Dudley Bates, Rob Wolf, and Jason Brodeur

Members absent: Walt Eismann, Matt Brown

Also present: April Boswell, Planning Manager; Tina Williamson, Principal Coordinator; Kathleen Furey-Tran, Assistant County Attorney; Bryan Potts, Development Review Manager; and Candace Lindlaw-Hudson, Clerk to the Commission.

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

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

Commissioner Brodeur seconded the motion.

The motion passed unanimously (5 – 0).

Commissioner Hattaway made a motion to accept the amended minutes distributed.

Commissioner Bates seconded the motion.

The motion passed unanimously (5 – 0).

April Boswell announced that Item C, Lake Emma Road (1943), would not be heard. Also Items E, F, and G will be heard as public hearings at the November meeting. Only items A, B, and D will be heard this evening.

PUBLIC HEARING ITEMS:

A. Major Amendments to the Shiralago PUD and Oakmonte PUD; Torben Abbott/Excel Engineering, applicant. 25 ± acres; Major Amendments to the Oakmonte PUD (Planned Unit Development) and the Shiralago PUD (Planned Unit Development); Removing 4.72 ± acres from the Oakmonte PUD and incorporating it into the Shiralago PUD; Located on the southwest corner of the intersection of Lake Mary Blvd. and I-4, approximately 0.5 mile south of Lake Mary Blvd.
(Z2006-44)

Commissioner Carey - District 5

Tina Williamson, Principal Coordinator

Tina Williamson introduced the application and reviewed the staff report and findings on this item. The major amendments to the PUDs include the following changes: a) to remove Tract C2, approximately 4.72 acres from the Oakmonte PUD and to incorporate it into the Oakmonte Senior Villages, also known as Shiralago. The Oakmonte Senior Villages would be allowed to be developed as a senior living complex with the following entitlements: an independent living facility with approximately 165 units, an assisted living facility with a maximum of 100 units, and a total of 50 independent living villas. Staff recommendation is for approval of the request for of the PUD Major Amendments, First Amendment to the Oakmonte Developer's Commitment Agreement and the Amended and Restated Developer's Commitment Agreement and Revised Final Master Plan for Oakmonte Senior Villages (a.k.a. Shiralago PUD), for 25 ± acres located on the southwest corner of the intersection of Lake Mary Boulevard and I-4, approximately 0.5 mile south of Lake Mary Boulevard, based on staff findings.

Rob Gabadey spoke on behalf of the applicant. He stated that they agree with the staff findings. He is trying to unite the 25 acres under one developer's commitment agreement. This clarifies things. There had been a requirement for a wall to run down the middle of the complex. That will be removed by unifying the project. He introduced Miriam Pino to discuss the facilities.

Ms. Pino stated that the project is an all rental community with three levels of care. It is designed to be a community with duplex villas for active seniors. It also has independent living in a hotel like building. There is a third area for assisted living. The buildings will be a 35-foot maximum height with a Mediterranean design.

There were no questions from the audience.

Commissioner Wolf asked about the record of maintenance for the company's other facilities of this type.

Ms. Pino said that the company has a 4-star rating, which is the highest rating.

Commissioner Wolf made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed unanimously (5 – 0).

B. Gunter Village PUD Rezone and Preliminary Master Plan; Jonathan Martin/ Kimley - Horn, applicant. 12.20 ± acres; Rezone from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) and PUD Preliminary Master Plan Approval; located at 3300 International Parkway. (Z2006-48)

Commissioner Carey - District 5
April Boswell, Assistant Planning Manager

April Boswell introduced the application for a rezoning and preliminary master plan approval. The Future Land Use Designation of the subject property is High Intensity Planned Development (HIP-TI) – Target Industry which allows the requested zoning district. The applicant is also seeking Preliminary Master Plan approval for a mixed-use project incorporating target industries (hotel with conference space or a Class A office) on the east abutting International Parkway. The applicant is proposing to construct 289 residential use components, which will be 274 residential condos and 15 live-work condos.

The applicant is seeking flexibility with the component that has the Target Industry use. They would like to put in either a hotel with 211 keys with a conference facility, or they would like to have Class A Office use.

Ms. Boswell stated that staff recommends approval. This project is compatible with the County's Comprehensive Plan, with the residential component having a density of no more than 50 dwelling units per acre.

Item G in the Development Order will be amended to read "Wet retention areas shall be designed so that they will not be required to be fenced unless part of a recreation amenity approved at the time of Final Master Plan."

Commissioner Tucker asked if the areas will be holding or retaining water. How will they function?

Ms. Boswell stated that ponds will be used as recreation amenities.

Staff recommendation is for approval of the request of the request to rezone 12.2 acres, located on the west side of International Parkway, north of the intersection of Colonial Center Parkway and International Parkway and south of the intersection of Pebble Ridge Lane and International Parkway, from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development), and approval of the attached Preliminary Plan, based on staff findings.

Commissioner Wolf noted that there was high density residential abutting Suburban Estate one acre lots, which is a steep transition for compatibility.

Ms. Boswell noted that the First Street right of way to the north and west is not a roadway. It is part of the Seminole Wekiva Trail. This runs along the side of much of the project. Also, there are retention ponds to the north and to the south of the site. The dwellings to the north are multi-family units. The setback is 100 feet from the property line there. To the south is Colonial Grand Town Park with medium density intensity. There is also a 100 foot separation at that point.

Jonathan Martin said that he had been working with the staff since January. He said that there would be a customary retention pond with walkways and landscaping that would be an amenity for the community.

Commissioner Tucker asked about the slope of the pond. Was it gradual?

Mr. Martin said that it was a safe design. There will be a railing or some type of architectural device for safety, but it will not impede the maintenance of the property.

There were no questions from the audience or commissioners.

Commissioner Brodeur made a motion to approve the request.

Commissioner Wolf seconded the motion.

The motion passed unanimously (5 – 0).

D. Longwood Hills Condominium PUD; SSLUA & Rezone; Mike Towers, applicant; Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a 16-Unit condominium development on 3.8± acres; located on the north side of Longwood Hills Road and west of CR 427.
(Z2006-61/10-06SS.02)

Commissioner Henley – District 4
Michael Rumer, Senior Planner

Tina Williamson introduced the request which would allow 16 condominium units with a maximum net density of 8.16 dwelling units per net buildable acre. The subject site is surrounded on 4 sides by the City of Longwood. Ms. Williamson noted that the Future Land Use map indicates a site to the east labeled as LDR has been incorporated into the City of Longwood and now has Commercial future land use designation. Staff recommendation is for approval of the requests based on staff findings.

Matt West of Ivey Planning Group represented the applicant. Mr. West showed a map combining Longwood and County future land uses. To the east is the communication tower. To the north is MDR and to the south and west is LDR and conservation. The break line to MDR could be Longwood Hills Road considering the land uses to the north of the road. Addressing the site plan, Mr. West stated that the units will look like town houses with two units per building. The fronts of the units are turned into a pedestrian courtyard. There will be rear-entry two-car garages. There will be a terrace above the garage for each unit. Only the sides of two buildings are facing the single family lots. There will be no windows on the sides of the buildings facing the homes to the north. There is addition guest parking available. Mr. West stated that the project will eventually annex into the City of Longwood. This project is coordinating with the City of Longwood.

Commissioner Bundy of the City of Longwood spoke concerning the application. He said that this project falls within the Interlocal Annexation Ordinance and will be annexed when the project changes owners. Preliminary demolition and grading permits were obtained from the County. Longwood requires a full site plan in order to get permits. Mr. Tower has agreed to adhere to whichever design standards were more strict – the City or the County. Those conditions will be in the developer commitment agreement. Utilities will be provided and a letter issued at the time of annexation. There is adequate capacity available.

Mr. Robert Brobst, owner of Lot 55 to the north of the site distributed two letters from the St Johns River Water Management District. These letters pertained to ceasing construction. The residents of the Longwood Oaks and the Longwood Greens are concerned with the topography of the project. There is a drop of 7 feet from the lot to the northeast. His lot looks up at the footers of the buildings. The topography of this project is not compatible with the surrounding lots. He was also concerned about the nearby retention pond. He said that there is currently a stop-work order on the site. He said that there is a public safety concern about the walls and insufficient footers. He also spoke about the silt fence which was down and that a foot of silt had washed into the wetlands. He requested that the item be continued

Steve Biner of 235 Longwood Hills Road. He lives to the west of Longwood Green, where the curve is in the road. He has lived there for 8 months. He said that the water flow goes to the west and north. There are 4 to 5 acres of wetlands in his area. Mr. Biner said that he had checked and there has been no study of the effects that this project will have on the wetlands of the area. He was also concerned about traffic patterns in the area. North and west of Longwood Green one finds large plots of land. There are dirt roads and single family development.

Michael Towers said that the elevation on the north and west will be held by retaining walls and fencing. The elevation on the low side will have a 4 foot grade change. The main courtyard has been leveled out. Drainage runs to the west. The retention pond is a siltation pond. The footers on the project are being re-examined. There was no stop-work order issued. There has been a traffic engineering study done. This project is well below the threshold of traffic impacts. He is following the guidelines for the City of Longwood and for the County.

Commissioner Tucker asked Bryan Potts to address the concerns previously expressed.

Bryan Potts said that he had visited the site with Building Department officials. He had asked Mr. Tower for additional information on the retention walls. Until that information is provided, work has ceased.

Commissioner Tucker asked if the work is properly permitted and inspected.

Mr. Potts said that it had been.

Commissioner Tucker stated that the purview of this board is to consider zoning and land use changes.

Commissioner Tucker asked if consideration is given to property being designated as Medium Density Residential and developed as Low Density Residential.

April Boswell stated that the land use around the subject site is considered. Staff also considers how the project is developed on the site. To the west of this site is a wetland buffer.

Commissioner Tucker asked when the tower was developed and if a fall zone is being protected. Had it been taken from the subject site originally? Does it have

a development order? Have we addressed the fall zone that this property now lies in? Is the fall zone being protected?

Ms. Boswell said that she did not know the history of the tower. She would have to research it. She stated that the tower is probably a self-supporting structure with buckle points that would allow it to fall in on itself.

Commissioner Tucker said that the tower had been on its site for many years. If there is a development order for the tower, it should be continued with this project so that the project cannot complain about a pre-existing tower.

Commissioner Wolf asked why the project had not been annexed prior to this.

Commissioner Tucker stated that the commission had the duty to consider all zoning matters brought before it, and that they did not consider other circumstances.

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

Commissioner Bates seconded the motion.

Commissioner Tucker said that he would not be voting for the motion. Compatibility is an issue here. There is suburban estates and rural use here. This request is over-intense for the area.

Commissioner Wolf agreed. He also said that Longwood should deal with these issues. He would also vote “no.”

Commissioner Hattaway said that this is near commercial uses and major roads. It is a good infill project near a huge tower. This is low density for the type of project that it is. The problems can be addressed.

The motion passed 3 – 2. Commissioners Tucker and Wolf voted “no.”

The following items were not heard during this meeting:

C. Lake Emma Road (1943) Small Scale Land Use Amendment; Leanna Raw, Seminole County Public Safety, applicant; 2 ± acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to PUB (Public) for the placement of Fire Station #19; located at 1943 Lake Emma Road, 4,000 feet northeast of the intersection of Longwood Hills Road and Lake Emma Road. (Z2006-60 /10-06SS.01)

Commissioner Henley – District 4
Michael Rumer, Senior Planner

E. Proportionate Share Ordinance: Recent amendments to Florida’s Growth Management legislation directed local governments to revise their Concurrency Management regulations to allow for “proportionate share” contributions from developers toward road improvements. The Proportionate Share Ordinance would allow a development to proceed when transportation service capacity is not yet

available but the proposal is otherwise consistent with the Comprehensive Plan. Rather than delay construction until the needed road improvement is completed or programmed, the developer would be permitted to contribute his or her fair share of the cost of that improvement.

Unincorporated Seminole County
Jeffrey Hopper, Senior Planner

F. US 17-92 Community Redevelopment Area Target Zone Height Alternative Standards: Proposed amendments to the Land Development Code to add definitions and establish a purpose, review and approval procedure, height standards and design criteria applicable to target areas within the unincorporated portion of the US 17-92 Community Redevelopment Area. Target areas are identified on exhibits included within the proposed ordinance.

Unincorporated Seminole County
Jeffrey Hopper, Senior Planner

G. Land Development Code Amendments to create "Canopy Roads", "Candidate Roads" and "Tree Protection Zones": Proposed amendments to the Land Development Code to add definitions and establish canopy roads, candidate roads, tree protection zones and regulations to ensure protection and allow maintenance.

Unincorporated Seminole County
Jeffrey Hopper, Senior Planner

Planning Manager Report

April Boswell stated that Staff is working on a new draft of the Land Development Code. She would like to have a workshop with the commissioners on a non-meeting Wednesday this month to receive input. The two dates that are suggested for consideration are Wednesday, October 18 or October 25 with a starting time of 5 P.M. She asked the individual commissioners to e-mail her with their availability for those dates.

Commissioner Wolf asked about the inclusion of the Rural Chapter. He will be out of town for the next 5 Wednesdays.

There being no further business, the meeting adjourned at 8:15 P.M.