

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 6, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Walt Eismann, and Jason Brodeur

Members absent: Dudley Bates and Rob Wolf

Also present: April Boswell, Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Ian Sikonia, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Tony Matthews, Principal Planner; Jeffrey Hopper, Senior Planner; Sheryl Stolzenberg, Principal Coordinator; Tony Nelson, Senior Engineer; Dori Debord, Director of Planning and Development; Kevin Fall, Economic Development Department; and Candace Lindlaw-Hudson, Clerk to the Commission.

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

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

Commissioner Brodeur seconded the motion.

The motion passed unanimously.

Commissioner Hattaway made a motion to accept the minutes for the November meeting as submitted.

Commissioner Eismann seconded the motion.

The motion passed unanimously.

A. First Street / Zachary Miller Rezone; Zachary Miller, applicant; 1.01± acres. Rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling); located on the south side of First Street, 500 feet east of Orange Blvd. (Z2006-62)

Commissioner Carey – District 5
Michael Rumer, Senior Planner

Michael Rumer introduced the application for the rezone stating that the applicant is proposing 9,000 square foot lots. The lot compatibility analysis computes to an R-1A zoning. This area was platted in the 1920's with small lots. Staff recommendation is for approval of the request.

Zachary Miller stated that there are smaller lots owned by others in the area. He is vacating the alleyway on the property.

No one spoke from the audience on the request.

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

Commissioner Eismann seconded the motion.

The motion passed unanimously (5-0).

B. 9315 S US 17- 92 Rezone and SSLUA; Redmon Design Co. LLC, applicant; 0.33± acre; Small Scale Land Use Amendment from LDR (Low Density Residential) to COMM (Commercial) and Rezone from C-2 (Retail Commercial) and R-1A (Single-family Dwelling) to PUD (Planned Unit Development) and PUD Preliminary Master Plan approval on property located on the southeast corner of the intersection of US 17-92 and South Lake Wood Circle. (Z2006-66)

Commissioner Henley - District 4
Michael Rumer, Senior Planner

Michael Rumer introduced the application for a land use amendment and rezone for the placement of a two story office building. Mr. Rumer said that the driveway being requested is not 200 feet from the center line of the nearest arterial road. Approval of this placement would require a waiver from the BCC. The building height exceeds 40 feet in places. Staff recommends approval.

Scott Redmon said that he has a design company. No trucks will be coming onto the property. He will have garden space for decorative displays of fountains and pots to be incorporated into designs. Storage will be off premise. The building is a 2-story building with a roof deck. As for the driveway, the DOT will not grant access off of US 17-92. The entrance is placed before any homes in the neighborhood. There will be a buffer around the parking lot. The building will not be open on weekends. He is using "green" technology on and around the building where possible.

Richard Marks of Lakewood Circle said that he used to own this property. He thinks this project will be an asset to the community. His family owns three houses on the adjacent street. He is in favor of the request.

Doug Miller said that he is concerned with the height of the building. It will create a lack of privacy. He would also like sidewalks incorporated into the design. He said that there are many U-turn drivers entering the street.

Mr. Miller asked if the retention pond is sub-terranean.

Susan Hall lives in an adjacent lot. She is concerned with the traffic coming in. At rush hour the traffic is intense in the area. She does not want Concurrency to be deferred. Also, concerning the height of the building, she said that her bedroom windows will be facing the 55 foot walls. This design is out of context with the neighborhood. This is out of step with the future land use of the area.

Mr. Redmon said that the walls are decorative. They are on the front lot, not adjacent to Susan Hall's property. The retention will be underground. Water will be collected from cisterns and pervious blocks.

Commissioner Eismann asked about the placement of the driveway.

Michael Rumer stated that the county code requires placement of the driveway 200 feet from an arterial road. Seminole County would like the driveway to line up with the entrance to Lakewood Circle.

Commissioner Brodeur asked how many parking spots were being provided.

Mr. Rumer said that 16 to 19 spots will be provided.

Tina Williamson stated that projections show there are 25 trips per day generated from the site.

Commissioner Hattaway asked about sidewalks in the area.

Mr. Rumer said that there were no sidewalks in the neighborhood.

Kevin Fall stated that he has not worked on this project. This will not trigger any major trip counts in the area. This project is urban infill; it is a unique investment. There will be a three story office building on the other side of the credit union along US 17-92. Water retention is a difficult part of redevelopment. He welcomes this unique design.

Mr. Fall stated that the applicant cannot get access off of US 17-92. He feels that the driveway location proposed by Mr. Redmon is the best design.

Commissioner Hattaway said that the project was heavily buffered from the neighbors.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Tucker mentioned the possibility of the BCC granting a waiver.

Tony Nelson stated that the owner would have to ask for a waiver from the BCC.

Commissioner Tucker said that the BCC could give a waiver with the Planning and Zoning Commission's recommendation.

Commissioner Hattaway restated her motion to recommend approval with access located at the original driveway location (approximately 125 feet from US 17-92 centerline).

Commissioner Eismann seconded the motion.

The motion passed 5 – 0.

C. Bill Ray Nissan PCD Rezone; David Ray, applicant; 13.0 ± acres; Rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development); located on the north side of Hickman Circle, approximately 1.0 mile north of the intersection of Hickman Drive and SR 46. (Z2006-13)

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

This item was requested for continuation to the January meeting.

Commissioner Eismann made a motion to continue the item to the January meeting.

Commissioner Brown seconded the motion.

The motion passed unanimously (5 – 0).

D. Aloma Mini Storage PCD Major Amendment and PCD Rezone; Bailes Holdings, Inc., applicant; 8.9 ± acres; PCD Major Amendment and Rezone from PCD (Planned Commercial Development) to PCD (Planned Commercial Development); located on the south side of Aloma Avenue, approximately 600 feet east of the intersection of Tuskawilla Road and Aloma Avenue. (Z2006-73)

Commissioner Dallari – District 1
Ian Sikonia, Senior Planner

Ian Sikonia presented the application for the above request stating that this is Phase 3 of the site for storage of boats and recreational vehicles. On January 9, 1996 The Aloma Mini Storage PCD was approved by the Board of County Commissioners. The approval was for 102,366 square feet of buildings allowing for those uses permitted in the C-1 zoning district and in addition, a mini-storage warehouse facility for personal storage, with open storage allowed in the rear of the property. At this time, the applicant is requesting to allow outdoor storage on the outparcel named Phase III in the Developers Commitment Agreement approved on January 9, 1996. The 1.28± acre outparcel is located on the northeastern portion of the property abutting Aloma Avenue. The applicant would like to store boats and RV's on the outparcel. 100 spaces will be buffered from the avenue by a 14 foot building. The east side of the outparcel will

consist of a 6-foot block screen wall that will tie into the existing wall on the southern portion of the outparcel.

Staff recommendation is for approval with the condition of a 6-foot solid block wall or fence with 80% opaque vegetative buffer along the rear property line making a correction to the Addendum # 1 to Development Order #89-443.01, condition J stating, Sides without buildings and rear property line will have a 6 ft. solid block wall, solid wall of the building, or 6 ft. chain link with hedge 80% opaque.

Mr. Sikonia stated that staff has received one letter not concerning the extra storage but the lack of screening in the rear of the property. They are requesting condition J, be changed to require the construction of a solid block wall.

Commissioner Tucker said that the fence had been an issue before.

April Boswell mentioned that the vegetative buffer is missing. An interested party would like to see a solid block wall there.

Commissioner Brown asked if buildings 9 and 11 exist presently, or are they future construction.

Charles Bailes stated that there are cars parked on the two pads now. There will be a building 11. The vehicles will be moved to the site being considered tonight.

He thinks this will be good for the area. The front of the building will be attractive. There will be covered parking. The foliage in the rear has died from storms. The fence will be covered with a vine.

Chris Mittal owns a townhome adjacent to the storage. He would like to know about the security of the site. Will it still be gated, restricting access?

Ian Sikonia stated that the gate will remain. The present wall and buffer will be extended.

Tom McCarthy of Ryland Homes stated that he had sent an e-mail about this application. His company has the parcel to the south where a single family subdivision will be built. He would like to see the commercial screening wall requirement enacted here. Deep Lake to the north has a wall requirement.

Commissioner Tucker asked what Mr. McCarthy would like to see done.

Mr. McCarthy said that he would like a wall with buffering.

Commissioner Tucker asked if a fence with a hedge would be acceptable.

Mr. McCarthy agreed.

**Commissioner Eismann made a motion to recommend approval.
Commissioner Brodeur seconded the motion.**

The motion passed unanimously 5 to 0.

E. Amendments to existing provisions of the Land Development Code of Seminole County (LDC) and adoption of new provisions to the LDC to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes) (Z2006-72).

Unincorporated Seminole County
Tony Matthews, Principal Planner

Tony Matthews stated that in 2004 the Florida Legislature created the “Wekiva Parkway and Protection Act” for the purpose of establishing the Wekiva Study Area, protecting natural resources and to authorize the future development of the Wekiva Parkway. In 2005 staff presented a series of text amendments to the Comprehensive Plan. This step creates Land Development Code stipulations which implement the policies. These changes must be adopted no later than January 1, 2007. The ordinance being considered here is to update the existing provisions of the Wekiva Protection Act which has been in the Land Development Code since 2000, establish design standards for development within the Wekiva Protection Area relating to open space, protection of karst features, and identifying when PUDs can protect natural resources. Mr. Matthew pointed out some errors in the copy distributed which will be corrected.

Staff recommendation is for approval of the amendments to existing provisions of the Land Development Code and adoption of new provisions to the Code, including the staff corrections submitted during the meeting that will implement the provisions of the Wekiva Parkway and Protection act and that these amendments are consistent with the Seminole County Comprehensive Plan. This ordinance will go before the County Commission for adoption on Tuesday, December 12.

There were no questions from the audience.

Commissioner Brown asked about item 4 pertaining to the application of fertilizer or pesticides within range of a karst feature or water body. He asked what “within range” meant.

Mr. Matthews said that 50 feet was being considered. The BCC has asked for a list of types of vegetation that would not require fertilization or pesticides applied.

Commissioner Brown said that many places have landscaped yards that go up to the river.

Mr. Matthews said that the University of Florida is assisting in making a list of appropriate plants.

Commissioner Brown said that we will be putting into the Land Development Code (LDC) that one cannot fertilize in certain area. How can this be enforced? It should be education.

Mr. Matthews said that developers have put language in their homeowners agreements in the past to handle this. Code enforcement is an issue. In the future, this will enable us to track pollution if it comes up.

April Boswell stated that there is a 50-foot clearance and construction setback from natural features such as karst features.

Commissioner Brown asked if this will apply to existing houses.

Ms. Boswell said that it would not.

Mr. Matthews said that this comes from the Study Group from the state. The provisions would apply to new or redeveloped areas. These provisions would be enforced through building permits.

Commissioner Brodeur asked if someone had an existing house and they fertilized their yard near the river, will someone come and cite them.

Mr. Matthews said that they would not be cited. This will set up a process with the Building Department and Development Review Division for new development.

Commissioner Tucker asked about the removal of plants on the river banks. How is that enforced?

Mr. Matthews said that this item does not pertain to that topic.

Commissioner Tucker asked where in the river did the County Line fall? Was it on the bank or the middle of the river?

April Boswell said that the County did have some land on the river approaching Lake County, but that this ordinance does address karst features and the 50-foot buffer which may be cleared to stimulate canopy growth. Routine maintenance is limited to mowing of grass and removal of underbrush and dead trees.

Mr. Matthews pointed out that the St Johns River Water Management District does have two protection zones that are close to a water body that may address that: riparian habitat and a water quality zones.

Commissioner Tucker asked about clustering and smaller lots. Why isn't credit being given for open space when clustering on a one acre (or larger) lot?

Mr. Matthews said that he did not know of where that would be applied.

Commissioner Tucker said that he did not know the answer either, but it was a good question. With one acre or larger lots there ought to be open space credit given in addition to common open space.

April Boswell said that staff could look into the Chairman's intention. The Code requirement now is for 25% usable open space to be shared by residents in a PUD. Open space in this provision preserves natural features.

Commissioner Tucker said that people buying on the Wekiva will want a maximum of open space. Owners should have credit for the additional open space they provide. Can such consideration be moved forward at this time.

April Boswell said that such matters could not be included at this time. This process is dealing with the PUD in the Wekiva River area. Clustering is addressed in the regulations of the LDC which address clustering in the PUD.

Commissioner Brown made a motion to recommend approval as presented by staff.

Commissioner Eismann seconded the motion.

Commissioner Tucker passed the gavel to Commissioner Hattaway and made an amendment to include provisions for calculating credit be given for open space on large lots that are being clustered. This is pertaining to page 9 item C.

April Boswell said that staff can look at the PUD regulations and the calculation of open space and clustering in a PUD when working on the LDC update.

Commissioner Tucker said that it is his intent to recommend that. With that understanding, Chairman Tucker withdrew the amendment and took back the gavel.

Commissioner Brown said that such a thing was done with half acre lots on the Wekiva recently.

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

F. Land Development Code Amendments to create "Canopy Roads", "Candidate Roads" and "Tree Protection Zones:

A proposed amendment to the Land Development Code to protect canopy trees along designated roadways, creating a "tree protection zone" prohibiting most clearing activities.

Unincorporated Seminole County
Jeffrey Hopper, Senior Planner

Mr. Hopper presented the ordinance which will cover canopy roads and candidate roads and tree protection zones. Canopy roads are bordered on both sides by trees of sufficient height, density and crown spread to create natural canopy coverage over the road. Candidate roads have trees of that nature on at least one side of the road with the potential that they could become canopy trees at a later time. The ordinance establishes the permitting process to protect significant trees within a tree protection zone. Trees would have a minimum of 8-inch diameter at breast height. This definition excludes invasive or exotic species. These regulations would be incorporated into the County's existing arbor permit regulations and would become part of the County's development review process. Mr. Hopper stated that he has received comments from the Development Advisory Board and one utility company since the first presentation to the Planning and Zoning Commission. Mr. Hopper said that eight issues had been identified to address at tonight's hearing.

Issue One: How will the ordinance effect existing development, particularly commercial development? Would trees be required to be added to existing sites? Mr. Hopper said that only existing trees are covered by the ordinance. Other provisions, already in effect, in arbor and landscaping regulations that may require further action.

Issue Two: Are we protecting exotic species? Mr. Hopper said that existing regulations exempt exotic species.

Issue Three: There is a need to protect canopy trees when roads are widened. Mr. Hopper said that alternate ways of widening road by creating new travel lanes around the trees would be explored and other ways to protect significant trees would be considered when the need arose.

Issue Four: There are unattractive shapes of trees being created around power and utility lines. Mr. Hopper said that two shapes are currently prohibited and others can be added.

Issue Five: Will the ordinance effect fire fighting in the rural areas? Mr. Hopper said that the ordinance was reviewed by the Department of Public Safety and that they had no comment.

Issue Six: Another issue was that there was adequate provision to remove trees for the maintenance of roads or utilities. Language can be changed for maintenance and construction of roads and utilities.

Issue Seven: The County needs the opportunity to evaluate trimming and maintenance activities before they occur.

Issue Eight: A 16-foot distance for clearance is not adequate for all types of utility equipment. Public safety has stated that they only need 12 feet of clearance for fire equipment access.

Mr. Hopper reviewed five revisions that have been recorded for inclusion, as noted in the staff report.

Mr. Hopper stated that staff recommendation is for a finding of consistency with the Comprehensive Plan and a recommendation of approval.

There were no comments from the audience.

Commissioner Brown asked how a property owner can prove what was on his property at the time of the activation of the ordinance. How will the County know what was there?

Mr. Hopper said that this is to protect existing trees. If the tree does not meet the 8 inch diameter, the ordinance does not address it.

Commissioner Brown said that people would be inclined to cut down trees of less than and 8 inch diameter because of their potential for a negative economic impact to the property owner. Commissioner Brown said that structures built within tree protection zones are subject to setbacks. He questioned the 75-foot setback. Commissioner Brown said that this is addressing a problem that the County does not have.

April Boswell said that property owners are not being asked to plant or take down any trees. Property owners are not being asked to plant or take down any trees. Arbor ordinances are required. This is not retroactive for existing properties.

Commissioner Brown said that people will remove trees to avoid future restrictions. This ordinance could actually hurt us. In other parts of the country people have gone ahead and clear-cut their lots just to avoid having potential problems.

Commissioner Hattaway said that people who own vacant land will now cut down trees to keep from having to keep them and be restricted.

Commissioner Brodeur read eleven requirements of the arbor ordinance that is in force now. He said that this new ordinance will lead people to clear cut. We should give incentives to keep trees.

Commissioner Hattaway said that the County already has a lot of latitude and control now. This ordinance is another layer of bureaucracy we don't need.

Commissioner Hattaway made a motion to recommend denial.

Commissioner Eismann seconded the motion.

The motion passed 5 – 0.

Planning Manager's Report

April Boswell reported that Michael Rumer will be leaving the County to work elsewhere. She wished him well in his future career.

Ms. Boswell also said that Tina Williamson will be Interim Assistant Planning Manager until a new person is appointed for the position.

There being no further business, the meeting adjourned at 8:50 P.M.

Respectfully submitted,
Candace Lindlaw – Hudson
Clerk to the Commission