

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION**

WEDNESDAY, JANUARY 10, 2007

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

Also Present: April Boswell, Planning Manager; Kathleen Furey – Tran, Esq., Assistant County Attorney; Tina Williamson, Interim Assistant Planning Manager; Ian Sikonia, Senior Planner; Dr. Kelly Brock, Senior Engineer; Brian Walker, Planner; 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 to the audience and reviewed the rules by which the meeting is conducted and procedures for voting.

There was no proof of publication since the only public hearing tonight was a continued item previously advertised. No new legal ad had appeared.

Commissioner Eismann made a motion to accept the minutes for the last meeting as submitted.

Commissioner Bates seconded the motion.

The motion passed unanimously (7 – 0).

There was a brief discussion concerning the election of officers at this time. It was pointed out that the previous Vice Chairman was no longer on the commission and that a replacement would have to be elected tonight. There was a full board present. It was determined that the election of both officers would be held.

Commissioner Tucker called for nominations for the position of Chairman.

Commissioner Wolf nominated Matt Brown for Chairman.

There were no further nominations.

Commissioner Brown was elected unanimously.

Commissioner Brown then called for nominations for the Vice Chairman position.

Commissioner Eismann nominated Commissioner Tucker.

Commissioner Tucker declined the nomination.

Commissioner Wolf nominated Commissioner Brodeur for the Vice Chairmanship.

There were no further nominations.

Commissioner Brodeur was elected unanimously.

Chairman Brown called for the first item on the agenda, which was a technical review.

A. Seranza Park Subdivision PSP; Tom Morris., applicant; approximately 4.62 acres; Preliminary Subdivision approval for a 14-lot single family residence subdivision zoned R-1; located approximately 1 mile west of Tuskawilla Road, west of Dodd Road on the south side of Dike Road.

Commissioner Dallari – District 1
Brian M. Walker, Planner

Brian Walker introduced the Preliminary Subdivision Plan for 14 lot single-family homes zoned R-1 (Single Family Residential). The site covers 4.62 acres and minimum lot size will be 8,400 square feet. Mr. Walker noted that there is a 230-foot wide Progress Energy power easement over part of the site on the west side running north to south. The proposed PSP shows road and retention within the easement. The applicant has applied for a transmission right-of-way use permit. The PSP complies with all of the criteria for a transmission line right-of-way use permit, but the final approval may not be granted until the time of final engineering. The subdivision will be served by Seminole County water and sewer. Internal roads will be public. Staff recommendation is for approval, contingent on the granting of the transmission line right-of-way use permit.

Commissioner Eismann made a motion to recommend approval.

Commissioner Wolf seconded the motion.

The motion passed unanimously.

PUBLIC HEARING:

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

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Ian Sikonia introduced the application for a Planned Commercial Development for a car dealership. The applicant proposes to have three buildings which will comprise no more than 94,285 square feet. The buildings will be for show rooms, automotive display, inventory area, automobile services, parts, paint and body repair, and administrative

sales offices. There will be a minimum of 199 parking spaces for the property. The site plan shows over 600 spaces. The site plan shows a 15-foot buffer adjacent to I-4 and a 10-foot buffer around the perimeter of the property consisting of canopy trees and hedges.

Mr. Sikonia stated that the applicant is proposing 5 signs for this dealership. They are proposing 3 of the signs in the buffer along I-4. The applicant has stated that they will be applying for variances pertaining to those signs. Staff has structured a development order so that the applicant can apply for a height variance up to a height of 37'5" for the three signs along I-4. Other site plan issues will be addressed at the time of PCD Final Site Plan approval. Staff recommendation is for approval of the requests.

Commissioner Brodeur asked about the power lines present on the site. Would they have to obtain waivers similar to the ones in the previous presentation?

Mr. Sikonia said that there was a 100-foot easement on the east side of the property. Some sort of approval would have to be obtained from the power company.

Cas Suvongse of SK Engineering said that he had no formal presentation and he would answer questions.

David Ray expressed his appreciation to the staff for all of their work. He would like to address a concern about the signs. He would like to use the signs that he has now on his old location. His current signs are leased for 10 years. The leases cannot be broken. It would be a considerable amount of money to get out of the situation. Down the street are Outback Steakhouse and Cracker Barrel which have bigger signs than the ones that he has. He would like to seek variances for his signs.

Commissioner Wolf asked if this board could grant permissions for signage. It was his understanding that it could not. The commission was looking solely at zoning.

Mr. Sikonia said that Mr. Ray was allowed to have 3 signs along I-4. The sign code says that the signs can only be 15 feet above the crown of the road without getting a variance. The applicant is proposing a maximum height of 37' 5". That is in the development order. The Board of Adjustment could grant the variances.

April Boswell stated that this board is considering the approval of the entitlements for the PCD. If the signs are approved, this document would allow the signs to go to the maximum height of 37'5". This document does not infer endorsement of the signs.

Commissioner Tucker asked if the applicant would be putting any flags or banners along I-4.

David Ray said that he wanted to bring his existing signs from his previous location.

Commissioner Tucker said that he wanted to know about the temporary use of flags and banners along I-4 that would be distracting to the I-4 traffic.

Mr. Ray said that he would not use them.

Commissioner Tucker asked about the use of a public address system.

Mr. Ray said that he had not addressed that. There would be a PA system and his employees would carry phones with them.

Commissioner Tucker asked April Boswell about the use of the PA system.

Ms. Boswell stated that this application does not build in an approval of a PA system. Outdoor amplification of sound would have to comply with the code. Anything that is outside of what is permitted in the Land Development Code would require an amendment to the PCD to be processed.

Commissioner Tucker said that the sheriff's office found the current code pertaining to noise unenforceable.

Ms. Boswell stated that she was unaware of that.

Commissioner Tucker asked what had been done about sound in the Bill Heard approval.

April Boswell said that she had no detailed knowledge of the case, but that it had been involved with Code Enforcement.

Tina Williamson stated that she had handled the Bill Heard application for use of amplification of sound. They had applied for a major amendment to a PCD to allow a sound system to stay in place. It had been denied.

Mr. Ray asked how they would communicate.

Commissioner Tucker said to use pagers and cell phones.

Commissioner Brown said that the Bill Heard dealership had been denied use of a PA system, but they had put one in anyway. They had come in and asked to use it and were denied. The technology is there to avoid noise.

Mr. Ray said that there are no residential uses nearby.

Commissioner Tucker said that there are homes on the east side of Elder Road.

There were no comments from the audience.

Commissioner Wolf made a motion to recommend approval with the inclusion of the prohibition of outdoor amplification of sound.

Commissioner Eismann seconded the motion.

Commissioner Brodeur said that he would like to be sure that this is consistent with other businesses, such as the Harley Davidson, in the area.

Chairman Brown asked what the Code was on this issue.

April Boswell said that the Code addresses sound a certain level. The Bill Heard denial which was previously mentioned was seeking to have outdoor amplification of sound after it had been forbidden. The application to amend the PCD to allow the outdoor amplification of sound was denied.

The motion passed unanimously (7 – 0).

April Boswell had no report, in keeping with the brevity of the meeting.

Commissioner Brown closed the meeting by thanking Commissioner Tucker for his service as Chairman for the last 3 years. It was well done and appreciated.

The meeting was adjourned at 7:20 P.M.

Respectfully submitted,

Candace Lindlaw – Hudson
Clerk to the Commission