

**MINUTES FOR REGULAR MEETING OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
WEDNESDAY, JUNE 6, 2007
7:00 P.M.**

Members present: Matthew Brown, Walt Eismann, Kim Day, Melanie Chase, Ben Tucker, Rob Wolf, and Dudley Bates.

Also present: Tina Williamson, Acting Planning Manager; Ian Sikonia, Senior Planner; Austin Watkins, Planner; Kathleen Furey-Tran, Assistant County Attorney; Dori DeBord, Director of Planning and Development; Bryan Potts, Development Review Manager; Tony Walter, Principal Coordinator; and Candace Lindlaw-Hudson, Clerk to the Commission.

Chairman Brown called the meeting to order at 7:00 P.M. He introduced the members of the Commission and welcomed newly appointed member Melanie Chase. Commissioner Brown reviewed the method in which the meeting was to be conducted.

OPENING BUSINESS

ELECTION OF VICE-CHAIRMAN

Commissioner Eismann nominated Ben Tucker to be Vice-Chairman.

There were no further nominations.

Commissioner Tucker was unanimously elected Vice Chairman.

ACCEPTANCE OF PROOF OF PUBLICATION

The proof of publication was unanimously accepted as submitted.

APPROVAL OF MINUTES

The minutes for the last meeting were unanimously approved as submitted.

NEW BUSINESS

Technical Review Items:

A. Westwood Village Shopping Center Preliminary Subdivision Plan; Rockett & Associates, Edward L. Mizo, applicant; 8.0± acres; Preliminary Subdivision Plan approval for a shopping center zoned Planned Unit Development; located on the north side of SR 46, west of North Oregon Street.

Commissioner Carey – District 5

Alan Willis, Planner

Tony Walter stated that the project consists of 3 commercial lots zoned PUD (Planned Unit Development) on 8 acres. The site has been reviewed by staff. The request meets all of the standards for the Seminole County Land Development Code. Staff recommends approval of the request.

Commissioner Wolf asked if there were any restrictions on hours of delivery for the site. Delivery trucks can disturb the quiet enjoyment of the homeowners whose property is adjacent to the site.

Tony Walter was not aware of any restrictions to deliveries on this site. The site has to go through final engineering. Mr. Walter stated that at the time of PUD approval the site was designed with buffers to protect the adjacent homes.

Commissioner Tucker made a motion to approve the request for PSP.

Commissioner Bates seconded the motion.

The motion passed unanimously (7 – 0).

B. Kings Ridge Drive Subdivision; David M. Ciener and Mike Hattaway applicants; 46.52± acres; Preliminary Subdivision Plan approval for 8 Lots Single Family Residential Rural Subdivision zoned Rural-5; located on the north side of Lake Harney Road, west of Hamey Heights Road.

Commissioner McLean - District 2

Alan Willis, Planner

Tony Walter said that project consists of 8 residential lots on 46.52 acres that are zoned A-5, with a minimum lot size of 5 acres. This request meets all of the requirements of the Seminole County Land Development Code. Staff recommendation is for approval.

Commissioner Tucker inquired about the CUP license that the owner had on the irrigation well. It was for use of this land as a nursery. What happens to the license?

Mr. Walter said that these individual lots would be on well and septic.

Commissioner Tucker asked if such water usage issues were examined by the Planning Department at the time of site plan approval. Wouldn't that be of benefit to the public? He would like to see that addressed at the time of Final Engineering.

Commissioner Eismann said that he did not remember acting on it before.

Commissioner Tucker said that he would like to know about it.

Kathy Furey-Tran stated that this board takes final action of the PSP, not the BCC.

Commissioner Tucker made a motion to recommend approval of the PSP with the stipulation that Staff reviews the existing CUP and how it is to be used.

Commissioner Eismann seconded.

The motion was passed unanimously.

TECHNICAL ITEM:

B-2. Deer Lakes Preliminary Subdivision Plan: Hugh Harling, applicant; 39.0± acres; Preliminary Subdivision Plan approval for a 26 lot single-family subdivision; located on the north side of SR 46, west of Yankee Lake.

Commissioner Carey – District 5

Alan Willis, Planner

Tony Walter stated that the project consists of 26 single-family lots on 38.98 acres zoned A-1, located on the north side of W SR 46, west of Yankee Lake. Staff had 2 issues outstanding that should be addressed: a) reconfigure lots 10 – 22 to conform to the Wekiva River Protection Zone standards and b) to establish a Miranda Lake 100 year flood plain on lots 3 – 9 and wetlands on lots 3 - 9. Upon compliance with those two outstanding issues, the PSP will meet all of the criteria of the LDC. Staff has recommended approval of the PSP with the adherence to the two conditions previously stated.

Commissioner Tucker pointed to the question of whether trees planted on agricultural land are crops and as to whether a pond dug for watering livestock can evolve into a wetland. This is a man-made pond and the County is making it adhere to some of the strictest rules for wetlands in the state.

Tony Walter said that such an issue is addressed in the County's Comprehensive Plan.

Commissioner Chase asked for confirmation that the water on Lots 3 – 9 was man-made.

Bryan Potts said that this is a Comprehensive Plan issue with the WRPA. It will be addressed at Final Engineering, where no impacts are allowed to a 100-year flood plain. Now that this is dug, it is considered 100-year flood storage area; whether natural versus man-made will be investigated.

Commissioner Brown said that investigation of old aerial photos of the area will reveal the age of the pond.

Bryan Potts said that he understood that it was a man-made borrow pit from when SR 46 was made. The applicant is planning to use it as part of his stormwater runoff facility. It is acting for 100-year stormwater retention.

Commissioner Tucker said that 100-year flood plain and wetlands are two different issues.

Bryan Potts said that there is the 100-year flood plain and there are the wetlands.

Commissioner Tucker said that he had issues with private property rights and the owner's right to dig a pit and then fill it in on his own property.

Mr. Potts stated that he had not come to a resolution on this issue, but he wanted to bring this item forward instead of waiting until July.

Commissioner Tucker said that he would like to see this concept (private property rights and the owner's right to dig and then fill in) addressed across the board, not just on this one application.

Commissioner Brown said that even the Army Corps of Engineers have been restoring parts of Florida that the Corps had changed years ago. Wetlands are deemed such because of the plant growth that developed along the shoreline.

Commissioner Tucker said that he has seen the plant species in question growing next to cattle water troughs.

Commissioner Brown said that the applicant could have modified the land prior to any of this happening.

Commissioner Wolf asked if this would only be used as a retention pond.

Mr. Potts said that the applicant is platting lots into the borrow pit. There is not the net buildable acreage to be sufficient for the A-1 zoning. To do that one must have the correct amount of buildable area above the 100-year flood plain and out of wetlands. In this case it is one acre. The applicant is platting the lots down into the borrow pit. The County has discussed this with the applicant, but has not agreed to it. Net buildability of the lots is an issue not agreed upon.

Commissioner Chase asked if this is one of the two issues to be addressed.

Mr. Potts said that the applicant has stated that he would “reconfigure lots 10 – 22 to conform to WRPA issues at the time of final engineering.” The intent is that if no resolution is reached, then it would be taken to the BCC for the final decision.

Commissioner Tucker made a motion to approve the PSP with the recommendation that if the item goes to the BCC, consideration be given to a man-made water feature being exempt from consideration as a wetland.

Commissioner Wolf seconded the motion.

Hugh Harling said that the BCC should consider this philosophical water issue.

The motion passed unanimously (7 – 0).

At this time, Tina Williamson asked the commissioners to consider continuance for item D on tonight’s agenda.

Commissioner Bates made a motion to continue item D to the July 11, 2007 meeting.

Commissioner Wolf seconded the motion.

The motion passed unanimously (7 - 0).

Public Hearing Item:

C. International Parkway / Westin PUD; YRG Hotel Group II, LLC / Rick Blackburn, applicant; 8.15± acres; Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and Rezone from OP (Office) to PUD (Planned Unit Development); located on the northwest corner of International Parkway and CR 46A. (Z2007-1 / 01-07SS.01)

Commissioner Carey - District 5
Ian Sikonia, Senior Planner

Mr. Sikonia stated that the requested zoning would allow for a maximum of 263 hotel units or a target industry use and a maximum of 25,000 square feet of accessory commercial use or office uses with a maximum non-residential FAR of 1.0 or less. Staff has determined that the requested use is compatible with the surrounding properties, including Colonial Town Park PUD, Colonial Centre PUD, and Gunter Village PUD. These adjacent PUDs all allow for hotels and a mixture of office and commercial uses such as those proposed on the subject property. The applicant is also requesting a maximum building height of 110 feet, which is being mitigated by increasing the west setback as the height increases. The bulk of the building height will be concentrated on the eastern side of the property, away from the townhome development to the west. Buffers will separate the proposed property from the townhome development to the west.

One issue that staff is in disagreement with the applicant is on the number of access points to be allowed on International Parkway. Staff has reviewed the plan and cannot agree with two access points there. However, in the Development Order, staff is recommending approval of the request with one access point.

Commissioner Tucker asked for the height of the tallest building out in the area now – that has been approved to date. What impact will this have to the Fire Department?

Mr. Sikonia said that the nearest building that would be similar in height to this is the Marriot in the City of Lake Mary. They have approval for 100 feet or 10 stories, whichever is less. The Marriot is in the HIBC (Heathrow International Business Center).

Commissioner Tucker asked if anything else in unincorporated Seminole County were this height. He knew of one structure in Altamonte that had this height. Did Mr. Sikonia think that this would be built and then annexed into the City?

Mr. Sikonia stated that he did not know what the City of Lake Mary was going to be doing. A portion of the HIBC across from this site was annexed into the City of Lake Mary. Fire Safety has reviewed this height issue. They will need to see the site plan of the building to make an actual judgment of the structure.

Steve Cooper spoke for the owner. He stated that this project was bringing 13,000 square feet of convention and meeting space to Seminole County with this target industry project of the Westin Hotel. One thing to address tonight is to request the one access on International Parkway. He asked that in the Development Order, paragraph "N" that the "one" be changed to a "two."

Mr. Cooper said that he has met with the developers of an adjacent property to reach a general understanding with enhanced buffers. Consequently, he requested that in paragraph "K" after the first sentence that ends in the words "parking stalls" the wording would read, "All areas west of the hotel building shall be green space." That area will be landscaped or green and will not be impervious.

Commissioner Eismann asked if the language in "K" was being inserted into the paragraph with no further changes.

Mr. Cooper said that it would be as it was with the addition of the language just mentioned.

Commissioner Wolf asked if the large foliage was going to be retained on site.

Mr. Cooper said that Charlie Madden would address that issue when he speaks.

Commissioner Brown asked about the distance from the building to the wall.

Mr. Cooper said that it is about 40 feet.

Charles Madden addressed the access question. A county trail goes along the frontage of the property. The property has about 1200 feet of frontage on the trail. This property is made of 4 parcels. He could have two access points if the parcels were sold separately. There is one access now. He is asking for an additional access point. During the peak hour of the day, a traffic engineer hired by Mr. Madden projects one car per minute entering the site using two access points, or one car every 30 seconds with one access point. The entrances are 1200 feet apart. That is a long distance.

Commissioner Brown asked for the distance from the intersection to the first access point.

Mr. Madden said that the distance was approximately 250 feet to 300 feet.

Commissioner Brown said that at least 200 feet would be needed if a pedestrian bridge is built for the trail.

Mr. Madden said that placing the entry into the site is important for the hotel and its business also. People have to have convenient access. He is asking for two right-in, right out accesses. He has been told that a cut-across will not be allowed.

Commissioner Wolf asked about the retaining of the larger oaks on the property.

Mr. Madden said that trees will come down for the buildings, but in the lots 9 foot parking spaces are being requested in order to have parking islands for trees. If the trees cannot be retained the islands will be nicely landscaped.

Julie Kendig spoke on behalf of Kolter Properties. Her client owns the townhome property to the west of this development. She supports Mr. Cooper's changes to the Development Order. She hopes that by the BCC meeting details can be worked out pertaining to the consistency of the buffer and what will be placed in the buffer.

Larry Collins owns Legacy Academy for Children on International Parkway. He said that a traffic light is needed by Colonial Grande apartments. There is a turn around there that would be used for the people going back toward the proposed hotel. Traffic is heavy there. One of the teachers from his school was killed at that point recently.

Commissioner Chase asked what entry way was being recommended by staff.

Mr. Sikonia stated that the County Engineer recommended one access point.

Bryan Potts said that the engineer wanted only the eastern most access, farthest away from the intersection. He was concerned about traffic stacking and cross movement within the site.

Commissioner Chase asked if there would be two access points if the site were developed as 4 separate businesses.

Mr. Potts said that more than likely, there would be two accesses with a frontage road and shared access agreements.

Commissioner Chase said that she works in the area, and there is little traffic in the area.

Mr. Potts said that the forum for requesting a waiver for access is the BCC.

Commissioner Eismann made a motion to recommend approval of the request for a Small Scale Land Use Amendment from OFF Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway, and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings; with a change to item "K" to insert "Any space west of the building will be green space" and under "N" the language is to be changed to two access points with no access closer than 250 feet from the intersection.

Commissioner Wolf seconded the motion.

Commissioner Wolf verified that this commission does not have anything to do with the installation of traffic lights.

Commissioner Brown said that the road had been designed with stacking lanes anticipating future development. Using too big a buffer can hurt commerce.

Commissioner Eismann said that Larry Collins should go to traffic engineering or his BCC commissioner to address the need for a traffic light. The Planning and Zoning Commission does not address traffic lights.

The motion passed unanimously (7 – 0).

The following item was continued to the July 11, 2007 meeting by a unanimous vote earlier in the meeting:

D. Celery Avenue at Lake Monroe Large Scale Land Use Amendment; Hugh Harling, P.E., applicant; 16.34± acres; Large Scale Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR); located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue. (Z2007-20) (07-07LS.01)

Commissioner Carey – District 5
Austin Watkins, Planner

E. Sproul Bible College PUD Major Amendment; Guy T. Rizzo, applicant; Major Amendment to the Sproul Bible College PUD (Planned Unit Development) to allow for a maximum building height of 46 feet; located on the south side of Wayside Drive, approximately 550 feet east of the intersection of Wayside Drive and Orange Boulevard. (Z2007-14).

Commissioner Carey – District 5
Austin Watkins, Planner

Austin Watkins stated that the applicant was requesting a maximum height of 46 feet for the church sanctuary building on the Sproul Bible College campus. The Seminole County Land Development Code (LDC) allows for a maximum height of 35 feet. All other structures would remain at the 35-foot height maximum.

Regarding compatibility with surrounding properties, Mr. Watkins stated that the buffers in the proposed plan are adequate, noting the 10-foot buffer to the north with 4 canopy trees per 100 feet and a 15-foot wide landscape buffer containing 8 canopy trees and 4 sub-canopy trees per 100 feet on the east side with a 6-foot hedge.

Staff recommendation was for approval of the PUD Major Amendment, Revised Preliminary Master Plan, rezoning ordinance from PUD to PUD and Third Revised and Restated Development Order for the Sproul Bible College PUD, consisting of 27.06 ± acres, located on the south side of Wayside Drive, approximately 550 feet east of the intersection of Wayside Drive and Orange Boulevard, based on staff findings.

Commissioner Wolf asked about the height of the church steeple.

Mr. Watkins said that the steeple was exempt from the 35-foot requirement. The roof peak was 52 feet, with the mean average height of the building being 46 feet.

Commissioner Tucker asked about the southwest corner of the property being an access point for the property.

Mr. Watkins said that there were two access points from Wayside Drive. The west access will be used to enter for parking on the grass for church uses. The eastern access is for administrative purposes only. There were no other access points.

Commissioner Tucker inquired on the status of the south parcel which had been removed from the property.

Mr. Watkins deferred to the applicant for an update. The property to the south is currently excluded from the PUD.

Guy Rizzo was present to represent the property owner.

Commissioner Tucker asked the status of the 15 acres to the south.

Mr. Rizzo stated that no definite plans were being pursued at present, but that the south 15 acres would be accessed through the Bible College, not using Paseo Drive. Paseo Drive would be used to run water and sewer to the campus.

Commissioner Brown asked how many floors were in the church building.

Mr. Rizzo said that the church was one story with lofty ceilings requiring a high, pitched roof.

Jim Campisi stated that he had received a height variance to 40 feet ten years ago for his residence which will be part of the Bible College. He has kept all of the major trees on the site. The 46 feet height being requested is necessary for the Gothic arch design of the church.

The proposed beltway will be clipping the southwest corner of the property. The extra height will be making the church visible from the raised expressway. The peak of the roof will be 52 feet high.

Darrell Delany of Kimberly Court said that he was reluctant to oppose a church. It is out of character with the neighborhood. Mr. Campisi's house is not clearly visible from the road.

Anne Weathers stated that she did not object to the church; however, the Beltway's location was not a "done deal." She was concerned about the height of the building and about potential light pollution from the project. She wanted to know if the height approval will only apply to a church or could it become applied to apartments on the property. Could the use change? There has been pressure on adjacent properties to develop projects of higher density.

Guy Rizzo stated that the tree line on the east side of the project would remain untouched. It would be enhanced if required. On the north part of the site, there is approval for either church or residential use. The Development Order contains provisions to protect the neighborhood.

Commissioner Brown stated that the PUD amendment was for the church use. The applicant could not change the use.

Kathy Furey-Tran stated that the Development Order says that the height requested would only apply to the church. The zoning is the PUD zoning which restricts development to specific conditions. Any other changes would require the applicant to come before the board again.

Commissioner Wolf asked if the height could be applied to anything else.

Mr. Campisi said that the height was only for the church use.

Commissioner Tucker said that the property to the south was being considered for housing with ingress on Paseo; that is not before this commission. Tonight, the church access is only from Wayside Drive. At some time in the future the south parcel will be addressed.

Commissioner Wolf made a motion to recommend approval of the PUD Major Amendment, Revised Preliminary Master Plan, rezoning ordinance from PUD to PUD and Third Revised and Restated Development Order for the Sproul Bible College PUD, consisting of 27.06 ± acres, located on the south side of Wayside Drive, approximately 550 feet east of the intersection of Wayside Drive and Orange Boulevard, based on staff findings with the inclusion of the retention of the natural landscape buffer on the east side of the site at a minimum of 15 feet depth of foliage, retaining the existing foliage; access to be only from the north side on Wayside Drive.

Commissioner Chase seconded the motion.

Commissioner Brown observed that the applicant found it desirable to have the church visible from the new highway. Mr. Brown said that he had lived near a church and thought that a church was a good neighbor.

Commissioner Day stated that the church was being placed in a location which least impacts the surrounding area.

The motion passed 7 – 0.

CLOSING BUSINESS

Tina Williamson said that the next meeting will be July 11.

There being no further business, the meeting was adjourned at 8:17 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Clerk to the Commission