

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

**WEDNESDAY, SEPTEMBER 5, 2007
7:00 P.M.**

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

Members absent: Ben Tucker

Also present: Tina Williamson, Acting Planning Manager; Herman Wright, Principal Planner; Austin Watkins, Senior Planner; Ian Sikonia, Senior Planner; Tom Helle, Acting Building Official; Kathy Furey-Tran, Assistant County Attorney; Tony Nelson, Senior Engineer; and Candace Lindlaw-Hudson, Clerk to the Commission.

The Chairman called the meeting to order at 7:00 P.M. He introduced the members of the commission present for the meeting and reviewed the rules for voting on agenda items and how the audience participates.

OPENING BUSINESS

Acceptance of Proof of Publication

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

Commissioner Bates seconded the motion.

The motion passed 6 – 0.

Approval of Minutes

Commissioner Bates made a motion to accept the minutes of the August 1, 2007 meeting as submitted.

Commissioner Eismann seconded the motion.

The motion passed 6 – 0.

NEW BUSINESS

Public Hearing Items:

A. Bella Woods Rezone; Larry Hodges / H.L. Re Investments, LLC, applicant; 3.34 ± acres; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); for 7 single-family lots; located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road. (Z2007-25)

Commissioner Dallari – District 1
Austin Watkins, Senior Planner

Austin Watkins presented the application and staff findings for the Bella Woods rezone. The applicant is requesting a 7- lot subdivision with lot size of 11,000 square feet. The net density of the project is 2.59 dwelling units per acre.

Commissioner Eismann asked what the maximum allowable density was on the project.

Mr. Watkins stated that the maximum allowable density for the Future Land Use was 4 dwelling units per net buildable acre.

George Garrett spoke on behalf of the applicant. He stated that the project design meets the 25% open space standard. He is dedicating right-of-way for the widening of Dike Road.

Mark Crone (Stonehurst Development Company) stated that he had developed the project to the north. He owns parcel 1B. He stated that 4 nearby lots would be landlocked by the project. (Lots 11 B, F, G, and H) He also said that this project is using septic systems, and there is a lift station 150 feet away, in Stonehurst. Storm water is a concern in the area. The water table is high in the area.

Ian Phillips said that he is building a house on 4 acres adjacent to the proposed rezoning. He is concerned about compatibility with the existing area and the density. There is a stormwater erosion problem in the area. He showed a photo demonstrating 15 inches of water in his driveway.

Shar Moore lives adjacent to the project. She was very concerned about her well being polluted by stormwater run-off and the use of septic tanks in the 7 lots. She also was concerned that there was no wall or fence separating the subdivision from her property that has animals.

Jody Lazarus lives east of the project on 3.5 acres in A-1 zoning. She was concerned about the lack of a privacy wall between the houses and her land.

Tracie Blakey lives on Lot 13 bordering the subject property. She has 10 cows and horses there and is strongly opposed to the application. The project will drain onto her property and will not blend with any of the surrounding properties. She wanted an explanation of what Low Density Residential land use was. Stonehurst stormwater drains downhill onto her property and then onto Brooks Lane. Ms. Blakey said that the density of the project was too high to fit in to the area. Chairman Brown noted that 4 other people had submitted comments objecting to the application.

Jim Womble stated that the proposed project was not in keeping with the area and that he was concerned with the drinking water issue.

Jack Sedlak was also opposed to the project, saying that it did not “flow” with the existing development in the area.

Bobbie Womble was also opposed.

Ray Womble was also opposed.

Pearl and Bruce Owen and Frank Owen were all opposed to the application.

George Garrett stated that the proposed density of this application is 2.5 dwelling units per acre, lower than the maximum of 4 dwelling units per acre. The lots are one-quarter acre lots. The lots in Tiffany Woods are smaller. There are no wells on this project. There is a 30-inch water main on Dike Road that the development will tap into.

Chairman Brown asked about the water retention situation.

Mr. Garrett said that the project has 25% open space. The retention pond is used a a portion of the green space, therefore the stormwater pond is oversized. A straight zoning would have only 12 – 15% of the project dedicated to stormwater retention. Also, Dike Road is being repaved and the swales along Dike Road are being repaired. There are no wetlands on the site.

Commissioner Brown asked Mr. Watkins why a PUD (Planned Unit Development) was requested instead of a straight zoning requirement.

Mr. Watkins explained that a PUD provides for 25% common usable open space and a flexibility of lot size and lot layout.

Commissioner Eismann asked about the access to the four lots that were mentioned by the first speaker.

Mr. Watkins said that Bodkin is a private easement or private road.

Tina Williamson stated that the 4 lots in question never had access from this property.

Commissioner Eismann summarized that by developing this property nothing was being taken away from the owners of the 4 lots.

Ms. Williamson agreed.

Commissioner Eismann asked about the kinds of improvements that would have to be given as Dike Road is upgraded.

Mr. Watkins pointed out that there is a detailed storm water plan in the Preliminary Master Plan, which shows swales on both sides of the road.

Commissioner Eismann wanted to know where the swales terminated.

Tony Nelson from the Development Review Division said that the swales on the north side go into the development and the retention pond. The south side swale was not part of the development.

Mr. Garrett said that the swales will have ditch blocks which stop the flow of water and provide for a certain amount of percolation of the stormwater.

Commissioner Brown said that the road widening should not make anyone's property condition any worse.

Commissioner Wolf asked if enlarging or widening the road changed the stormwater parameters.

Mr. Nelson said that he looks at the amount of impervious structure – roads and sidewalks – being proposed, which are not significant enough to change the stormwater for the roadway.

Commissioner Brown asked if soil could be changed out to make the area more pervious.

Mr. Nelson said that such a thing can be done. Further information is gathered at Final Engineering.

Commissioner Wolf said that it would make sense to increase the amount of water handling capacity with the increase in the slope and impervious surface. The analysis could come back that more stormwater retention is actually required.

Mr. Nelson said that is true.

Commissioner Brown asked about the open space.

Mr. Watkins said the retention pond is being counted toward the 25% open space and being amenitized with benches and a mulch trail.

Commissioner Eismann said that he had received an invitation to attend a community meeting on this item, but he was unable to attend due to a planning conference.

Commissioner Wolf asked Mr. Watkins if a privacy wall was required to separate one subdivision from the next, as here.

Mr. Watkins said that a wall is not required in this instance.

Chairman Brown said that the wall is not required since the applicant is going up against other properties with the same zoning standards. The wall would be required if they were not deemed compatible.

Commissioner Wolf asked if the septic tanks in this project were a safe distance from wells in the surrounding neighborhood. How is that separation handled?

Tony Nelson said that there are distance requirements that will be followed.

Commissioner Bates said that he had concerns about the density of the development. This is too much. He had not heard anything definitive concerning the issues of stormwater and septic. The property would be better with fewer units, perhaps 4 units.

Commissioner Wolf asked about the minimum house size. 1,100 square feet was listed as the minimum house size.

The developer stated that the minimum house size will be 2,100 square feet of living space with 2-car garages off-set so that they do not face the road.

Commissioner Eismann asked the lot size of the 8 lots to the west.

Mr. Watkins stated that he did not know the dimensions of those lots, but they were less than one acre.

Commissioner Brown asked how many homes could go into this space if the zoning were R-1AAA .

Mr. Watkins said that R-1AAA zoning would accommodate 6 – 7 homes, roughly the same number as in this request. The main thin that would change would be an increase in the width at building line, which is the reason the applicant went for PUD zoning. These are 75-foot lots.

Commissioner Wolf made a motion to recommend approval, but with a R-1AAA zoning.

Commissioner Eismann seconded the motion for discussion purposes.

Commissioner Brown asked Kathy Furey-Tran said that the proposal is not what was being applied for.

Commissioner Wolf withdrew his motion.

Commissioner Bates made a motion to deny the request to rezone of 3.34 ± acres from A-1 (Agriculture) to PUD (Planned Unit Development) for 7 single-family lots located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road.

Commissioner Day seconded the motion.

Commissioner Eismann stated that his concern was that there are 8 lots next door to this site with similar sizes.

Commissioner Brown said that the trailers on the adjacent lots could be a temporary use and that the use there could change in the future.

The vote was 5 – 1 in favor of the motion for denial. Commissioner Eismann voted “no.”

B. Bougainvillea Clinique; Dr. Jeffrey Hartog, applicant; 2.53± acres; Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) (05-07SS.01) and Rezone from R-1AA (Single Family Dwelling District) to OP (Office Professional); located on SR 426 and Bear Gully Rd. (Z2007-17)

Commissioner Dallari – District 1
Ian Sikonia, Senior Planner

Ian Sikonia introduced the application and staff findings on the application by Dr. Jeffrey Hartog for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) (05-07SS.01) and Rezone from R-1AA (Single Family Dwelling District) to OP (Office Professional). The applicant is requesting to expand an existing operation to encompass an adjacent 0.4-acre parcel. This site was previously approved in 2002 for a one-story 18,000 square foot medical facility not to exceed 35 feet in height. The requested zoning and Land Use would potentially allow for a 23,445 square foot medical/office building.

The subject site is adjacent to properties with a residential Future Land Use Designation, therefore all development is required meet the active/passive buffering requirements of Section 30.1232 of the Land Development Code. Due to the residential subdivision in the rear of the property, the applicant is required to have a 15-foot landscape buffer and a 25-foot building setback.

Staff has also received two letters in opposition to the development regarding compatibility issues with the residents to the rear of the subject property. The residents would like to see evergreen trees in the rear, raise the brick wall to 6 feet or higher, increase the diameter of the proposed canopy trees, leave the existing trees, and to raise the retaining wall on the southeast side of the property from 4 feet to 6 feet.

Staff recommends approval of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and a rezone from R-1AA (Single Family Residential) to OP (Office) on approximately 2.5± acres, located on the north east section of the intersection of SR 426 and Bear Gully Road.

Chad Linn from Kimley-Horn was present on behalf of the applicant to answer questions.

No one spoke in favor of the application from the audience.

Christine Cregar Lemieux lives behind the clinique and is concerned about the expansion. She said the proposed structure will adversely impact the value of her property. Ms. Lemieux said that at present there is 50 feet between her property line and the existing building. She would like the following conditions attached to the development: a better visual buffer than the minimum provided by the Land Development Code. The wall height should be increased by 2 feet; the trees on the perimeter should be increased to 6 trees per 100 linear feet, having a 4 inch diameter. Ms. Lemieux asked that the trees be a variety that keeps their leaves all year, and that if any of the trees die within the first 4 years, the applicant will replace them. The existing trees provide privacy now. These should be kept. Also, the windows in the building should be such that they do not have a view of the Lemieux backyard.

Chad Linn stated that the existing wall is 6 feet tall. It is not on Dr. Hartog's property, but on the adjacent neighbor's property. The windows will be such that they do not have a view of the neighbor's property. The building should provide a better sound buffer for the traffic noise of Aloma Avenue. The newly acquired property will be used primarily as a retention pond, with no parking there.

Commissioner Brown said that 6 trees per 100 feet would cause the trees to grow into each other, making them not as healthy.

Commissioner Eismann asked about the current standard.

Tina Williamson said that the current code standard is 4 trees per 100 linear feet, with the active buffer standard being 8 trees per 100 linear feet. It is up to the landscaper as to how the trees are placed. If the trees die, the owner will replace them.

Commissioner Brown said that it is difficult to enforce the upkeep of the trees without someone notifying the County.

Tina Williamson said that the code requires that the trees be maintained. Follow-up is complaint based. The buffer behind the building is called a passive buffer.

Commissioner Wolf made a motion to recommend approval of the request for the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and a rezone from R-1AA (Single Family Residential) to OP (Office) on approximately 2.5± acres, located on the north east section of the intersection of SR 426 and Bear Gully Road, and recommend approval of the attached Development Order per staff findings with the addition of 8 4-inch trees per 100 linear feet in the buffer.

Commissioner Eismann seconded the motion.

The motion passed 5 – 1. Commissioner Chase voted “no.”

C. Amendment to the Land Development Code to Establish a New Sunset Date for the East Collector Road Impact Fee District: A proposed amendment to the Land Development Code to revise the expiration date for impact fees in the East Collector Road district.

Unincorporated Seminole County
Jeffrey Hopper, Senior Planner

Tina Williamson introduced the amendment to the Land Development Code that would revise the expiration date for impact fees in the East Collector Road district.

Pam Hastings of the Public Works Administration department explained the history of the impact fee program. In 2002 the fees to be in effect through 2021 did not have Chapman Road 4 lane widening improvements. The East District needed to sunset in 2021 with solidified cost estimates for this widening. Construction costs needed to be stabilized so that reliable cost estimates will be included. No fee increases are proposed. Other road improvements being funded with this money include CR 15, Wymore Road, Sand Lake Road, and the Bunnell and Eden Park improvements, as well as for commuter rail commitments. The Airport Road extension cannot proceed until 2012.

There were no questions from the commissioners.

Commissioner Eismann made a motion to recommend approval of the amendment to the Land Development Code to Establish a New Sunset Date for the East Collector Road Impact Fee District.

Commissioner Bates seconded the motion.

The motion passed 6 – 0.

D. Amendment to the Land Development Code Relating to Flood Prone Properties: A proposed amendment to the Land Development Code relating to flood prone properties; adding definitions, a variance process and providing clarifications.

Unincorporated Seminole County
Tom Helle, Acting Building Official

Tom Helle introduced the background and amendment to the Land Development Code concerning flood prone properties. FEMA (Federal Emergency Management Agency) is requiring that the County adopt floodplain management regulations that meet the standards of the National Flood Insurance Program regulations prior to September 28 of 2007 in order to continue to be eligible for participation in the program. Staff recommendation is for approval of the ordinance.

There were no questions from the commissioners.

Commissioner Bates made a recommendation to adopt the proposed amendment to the Land Development Code relating to flood prone properties, adding definitions, a variance process, and providing clarifications.

Commissioner Chase seconded the motion.

The motion passed 6 – 0.

CLOSING BUSINESS

Tina Williamson passed out draft copies of Chapters 1 through 3 of the updated Land Development Code. A workshop is scheduled for Wednesday, September 26th at 5:30 P.M. for the commissioners and staff.

There being no further business, the meeting adjourned at 8:40 P.M.

Respectfully submitted

Candace Lindlaw – Hudson
Clerk to the Commission