

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

OCTOBER 3, 2007

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

Member absent: Rob Wolf

Also present: Tina Williamson, Acting Planning Manager; Herman Wright, Principal Planner; Austin Watkins, Senior Planner; Jim Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

OPENING BUSINESS

The meeting opened with the Pledge of Allegiance.

Chairman Brown introduced the commissioners present and reviewed the manner in which the meeting was to be conducted, including voting procedure.

Acceptance of Proof of Publication:

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

Commissioner Bates seconded the motion.

The motion passed unanimously (6 – 0).

Approval of Minutes:

Commissioner Bates noted a pronoun missing on pg. 6, paragraph two.

Commissioner Eismann made a motion to accept the minutes as amended.

Commissioner Bates seconded.

The motion passed unanimously (6 – 0).

NEW BUSINESS

Public Hearing Items:

A. Devlen Office Building Rezone; Ronald Devlen, applicant; 1.26 ± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located on

the south side of Church Street, approximately 230 feet east of Monroe Road. (Z2007-19)

Commissioner Carey - District 5
Austin Watkins, Senior Planner

Mr. Watkins stated that the applicant is applying for the rezone in order to build a 3,715 square foot office building on 1.26 acres. The designated future land use on the property is HIPTI (High Intensity Planned Target Industry). Requested uses on the property will be consistent with the OP (Office Professional) zoning classification. Staff recommendation is for approval of the request for the rezone from A-1 to PCD and approval of the development order and preliminary site plan.

Justin Garver from American Civil Engineering was present for the applicant.

Commissioner Tucker made a motion to recommend approval of the request with staff findings.

Commissioner Eismann seconded the motion.

The motion passed unanimously. (6 – 0)

B. Vantage Point PCD Major Amendment; Jerry Cutrona, applicant; 9.38 ± acres; PCD (Planned Commercial Development) Major Amendment; located on the southwest corner of the intersection of Monroe Road and Maronda Way. (Z2007-22)

Commissioner Carey – District 5
Austin Watkins, Senior Planner

Austin Watkins stated that the applicant is requesting a major amendment to the Vantage Point PCD which was approved in 2006 for a total 100,000 square feet of office and warehouse uses. The original development order limited the development to 31,600 square feet of office and 68,400 square feet of warehouse uses. The applicant is requesting to increase the warehouse and office uses to 106,229 square feet and to increase the allocation of office from a maximum of 30% to 50%. The Land Development Code requires parking for 283 vehicles for the proposed uses. The current plans have 286 parking spaces, which satisfies the minimum requirement. The applicant is also seeking to amend a condition of approval that requires shoebox cut off outdoor lighting at 16 feet in height. The applicant would like to go up to 25 feet in height, which is consistent with the County's outdoor lighting requirement that allows for a maximum of 25 feet in height if it is a minimum of 200 feet away from any residential uses. This project is 400 feet away from residential use. The applicant is also seeking to alter the timing of required changes to CR 15 (Monroe Road). The Developer's Commitment agreement requires that the applicant install a left hand turn lane on Monroe Road prior to obtaining the certificate of occupancy. The applicant would like to change the timing to allow no more than 18 months from the time of issuance of the certificate of occupancy for the building of the turning lane, unless the County commences work on CR 15, which would void the commitment. The applicant will

provide a letter of credit for the road construction. This has been approved by the Seminole County Public Works Department. Also, the applicant would like to remove condition of approval for the cross access easement on the north side of the property. Cross access was not required at the time of final site plan approval due to lack of cross access easements and traffic circulation concerns. Staff recommends approval of the Vantage Point PCD Major Amendment, revised Preliminary Master Plan, rezoning Ordinance from PCD to PCD, revised and restated Development Order, Final Site Plan, and Revised and Restated Developer's Commitment Agreement.

Commissioner Chase asked about the letter of credit and the building of the turning lane. What remedy does the County have if the lane is not built? Would the County collect the money?

Kathy Furey-Tran agreed.

Commissioner Tucker asked if an equal proportionate amount of right-of-way were taken from both sides of Monroe Road.

Mr. Watkins said that the applicant would be able to respond to that. The applicant dedicated 33 feet on the north end of the parcel and 20 feet on the south end of the parcel.

Jerry Cutrona stated that he concurred with staff findings. Mr. Cutrona said that he did not know what the east side property owners gave for the road widening.

Commissioner Chase asked why the 25-foot lights were requested.

Mr. Cutrona said that 25-foot lights had been installed according to the Code.

No one spoke on the item from the audience.

Commissioner Eismann made a motion to recommend approval of the Vantage Point PCD Major Amendment, revised Preliminary Master Plan, rezoning Ordinance from PCD to PCD, revised and restated Development Order, Final Site Plan, and Revised and Restated Developer's Commitment Agreement.

Commissioner Bates seconded the motion.

The motion passed unanimously (6 – 0).

C. E. Lake Brantley Dr. Rezone; Paul Hoffman, applicant; 0.27 ± acres; Rezone from RP (Residential Professional) to RP (Residential Professional); located on the west side of E. Lake Brantley Dr. approximately 420 feet north of the intersection of E. Lake Brantley Dr. and SR 434. (Z2007-54)

Commissioner Van Der Weide – District 3
Austin Watkins, Senior Planner

Mr. Watkins said that in 1992 the property was rezoned from R-2 (One and Two Family Residential District) to RP (Residential Professional) to allow for a management office with no more than 3 employees. Should there be a change in use, the project was required to be brought back to the BCC for approval after a determination that sufficient parking is available. The site plans shows 7 parking spaces and one handicapped space. Staff is recommending no more than 6 employees on the site because of the parking limitation. Mr. Watkins said that there is one change to the revised and restated development order: condition "B" should read "a 5-foot masonry wall" rather than "6 feet". Staff recommendation was for approval of the request.

Commissioner Eismann asked why medical and dental offices were not allowed under permitted uses.

Mr. Watkins explained that medical and dental offices generally require more parking than this site could handle.

Paul Hoffman was present to represent the owner.

Commissioner Chase made a motion to recommend approval of the request for rezone from RP (Residential Professional) to RP (Residential Professional) and for the revised development order.

Commissioner Bates seconded the motion.

The motion passed unanimously.

D. E. Semoran Blvd Rezone / Snowball Dental Lab; Mostafa Howeedy, applicant; 0.47± acres; Rezone from RP (Residential Professional) to RP (Residential Professional); located on the south side of SR 436 and Avery Lane. (Z2007-37)
Commissioner Van Der Weide – District 3
Herman Wright, Principal Planner

Herman Wright introduced the application for the Snowball Dental Lab project, adding a 1,400 square foot addition to the existing site, for a total of 4,468 square feet of office. Mr. Wright stated that the project is consistent with the character of the surrounding neighborhood. Staff recommendation is for approval of the request.

Mostafa Howeedy was present and said that he concurred with staff findings.

Gerald Green of 3320 Chadwick Road, to the south of the property. Mr. Green said that his house faces the wall near the site. He was concerned about the treatment of the wall and also wanted the building not to exceed one story in height. Mr. Green wanted the wall to be contiguous with the existing wall in the area, including the type of vine (viburnum) on the wall.

Mr. Green noted that if the building height restriction and wall treatment were agreed to, he would support the project. He also mentioned a curb cut on Avery Lane, improperly placed on the road within a short distance of SR 436.

No one else spoke from the audience.

Commissioner Brown noted that items C and D of the Development Order address Mr. Green's concerns about the wall and building height, as well as the curb cut placement.

Commissioner Bates made a motion to recommend approval of the Rezone from RP (Residential Professional) to RP (Residential Professional) located on the south side of SR 436 and Avery Lane, with staff findings.

Commissioner Eismann seconded the motion.

The motion passed unanimously (6 – 0).

E. 2667 Derbyshire Rd Rezone; Hugh Harling, applicant; 0.388 acres. Rezone A-1 (Agriculture) to R-1AA (SFR Family Residential); located on the southeast corner of Derbyshire Road and Thunder Road. (Z2007-52)

Commissioner Henley – District 4
Herman Wright, Principal Planner

Herman Wright introduced the application for a rezoning of property that was the former location of a water plant, now removed from the site. The future land use designation of the property is Low Density Residential (LDR), which allows the requested zoning. A lot size compatibility analysis performed for the site supports the requested zoning, finding it consistent with the surrounding properties. Staff recommendation is for approval of the request subject to the findings in the staff report.

Hugh Harling stated that the property had been a water plant that had been phased out and removed from the site. Mr. Harling said that the property owner wants to bring the property into step with the character of the neighborhood by giving it a residential zoning. He concurs with staff comments.

No one spoke in favor of the application.

Brian Garvey lives at 1249 Holly Ridge Trail. He has lived there for 20 years and is a licensed professional engineer, specializing in stormwater management. Mr. Garvey stated that there are two adjacent subdivisions to the property: Dommerich Unit One and Dommerich Unit Two. Mr. Garvey displayed the development plan for Dommerich Unit One, showing a retention pond for Dommerich Woods Unit One on the property as part of their stormwater management plan. Even though the property is not on the plat, it is integral to the stormwater management for Dommerich Woods Unit One. He also displayed the engineering drawings for Dommerich Woods Unit Two, showing an enlarged retention area and drainage easement 100 feet by 130 feet on the subject

parcel to accommodate the retention pond there. Mr. Garvey showed the engineering plans overlaid on the aerial photo. The parcel is 170 feet wide by 130 feet in the north – south direction. On the side is a 100 feet by 130 feet drainage easement for the retention pond. The pond was never constructed to the size shown on the engineering plan. It was designed to have a storage volume of 0.39-acre feet. What was actually constructed by the developer was a pond that was half the required size, at 0.2-acre feet. When you subtract out the drainage easement, you are left with 69 feet of developable land on the site. That is significantly less than the minimum required for R-1AA zoning. The 69-foot width is less than the 90-foot minimum for R-1AA. Mr. Garvey asked how staff could approve of this plan presented tonight, when the land is included in the Dommerich Woods original development plan. He is concerned that the stormwater retention plan of old will disappear. He showed a picture of a lot that is designated for stormwater retention for Dommerich Woods Unit One that is not being used as such. Mr. Garvey said that the County spends a lot of money engineering and re-engineering water retention and management. If this is approved, the County will lose stormwater management area that they should have. Mr. Garvey said that the pond needs to have a provision for ongoing maintenance and should be brought up to current code for the two developments. For those reasons, Mr. Garvey is opposed to the request.

David Harper said that his mother owns the property at 2674 Derbyshire. He said that one house would have a no negative impact. There has always been a sewer problem in the neighborhood. This will overload the already weak sewer system. He is concerned about the impact on the sewer system.

Hugh Harling stated that he knew about the old water plant that had been there. A 20-foot drainage easement on a lot of this size is acceptable. That would give a 60-foot wide pad with a 10-foot side yard setback on the other side. He will have to look into the drainage – retention issue. There may be room to do both retention plans. The sidewalk will be replaced. The sewer will tie in as far downstream as possible. There had been lift station problems in the area which were addressed along with a problem with lack of appropriate fall. Mr. Harling said that the County will not let him construct anything that is not up to code. Having a 60-foot pad on a 90-foot lot with a 10-foot side yard setback on one side and a 20-foot setback as part of the drainage easement on the other side will meet the 90-foot building line width requirement.

Jim Potter of the Development Review Division stated that there is nothing in the Code to address the stormwater pond as far as the rezone goes. The other issues would be addressed at the time of final engineering, including the pond being constructed according to the original plans. The pond could perhaps be squared off to make it more appealing on the site. Mr. Potter said that they would work with the applicant to see if at least one single-family house can be built there.

Commissioner Chase made a motion to recommend approval of the request for a Rezone A-1 (Agriculture) to R-1AA (SFR Family Residential) located on the southeast corner of Derbyshire Road and Thunder Road.

Commissioner Bates seconded the motion.

Commissioner Eismann asked about the engineering questions.

Chairman Brown said that in a straight rezone there can be no conditions. The Development Review committee will address the engineering issues.

The motion passed unanimously (6 -0).

CLOSING BUSINESS

Tina Williamson polled the commissioners about having digital copies of the agenda books available on line for the commissioners to use prior to the meeting, as they are now, eliminating the delivery of a paper copy of the books prior to the meeting. Paper copies of the books could be available for the commissioners at the time of the meeting. Eliminating the delivery of paper copies of the books would save on postage and gasoline consumption.

The commissioners unanimously requested the continued delivery of the paper copies of the agenda books. Several commissioners stated that having the paper copies with them for site visits was very important.

Chairman Brown said that he would like the commissioners to have laptops to use with digital copies of the agenda books outside the meeting and during the meeting. Scrolling and magnifying the copy is a good tool. He would also like to see better use of technology in the BCC Chambers, such as is available in the meeting rooms upstairs in the County Services Building.

There was also a discussion on the timing of the release of the next draft sections of the new Land Development Code.

Tina Williamson said that chapters 4, 5, and 6 will be in draft form soon and that a workshop will be scheduled for examination and discussion of the draft.

Commissioner Tucker asked about having a workshop that would include the input from the other groups when examining the draft of the Code.

Ms. Williamson said that a list of all of the comments could be provided for the final examination of the Code.

Commissioner Tucker said that this board is a recommending body.

Chairman Brown asked who had the final say at making recommendations to the BCC.

Kathy Furey-Tran said that this board is the final recommending body.

Tina Williamson said that the LPA/P&Z could recommend changes to draft versions.

Commissioner Tucker stated that recommendations made by the P&Z commissioners would not necessarily be in the final draft.

Chairman Brown said that staff makes a draft which is examined by the P&Z commissioners in workshops. Suggested additions and deletions are made by the commissioners. Other groups such as the DRB do the same thing. We should have the input from the other people long before a summary at the end of the process.

Commissioner Tucker said that digital copies of drafts with strike-throughs and comments should be available to the commissioners of the LPA/P&Z to use.

Ms. Williamson said that a summary list will be made for the next workshop.

Commissioner Tucker said that he would like the underline and strike-through version for the workshop.

Ms. Williamson said that the consultant did not provide a copy like that.

Commissioner Brown said that it is difficult to see what is no longer there and how things are changed without such a thing.

Ms. Williamson said that Jeff Hopper has created a table to show where and how things were in the old Code and in the new one.

Commissioner Tucker said that there should be a less cumbersome format to use to evaluate and change. He would like a Word format version sent digitally in advance of the workshop so that commissioners can make their own versions and be able to bring them to the workshop.

Commissioner Brown said that the strike-through version had been done by the consultant.

Ms. Williamson said that the consultant's version had been changed substantially.

Commissioner Tucker said that the current process does not allow for enough input from outside groups, other than staff. The review of this document is the core of everything that the LPA/P&Z does. The public expects this.

There being no further business, the meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Clerk to the Commission