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

WEDNESDAY, FEBRUARY 6, 2008

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

Members absent: Walt Eismann and Rob Wolf

Also present: Tina Williamson, Assistant Planning Manager; Austin Watkins, Senior Planner; Tony Walter, Principal Planner; Cynthia Sweet, Senior Planner; Tony Nelson, Senior Engineer; Kathy Furey – Tran, Assistant County Attorney; Alison Stettner, Planning Manager; Dori DeBord, Director of Planning and Development; and Candace Lindlaw-Hudson, Clerk to the Commission.

OPENING BUSINESS

The meeting opened with the Pledge of Allegiance.

Chairman Brown introduced the members of the Commission who were present.

Election of Officers

Commissioner Bates nominated Matthew Brown for Chairman.
Commissioner Chase seconded the motion.
Chairman Brown was elected unanimously (5 – 0).

Commissioner Bates nominated Ben Tucker for the Vice Chairman.
Commissioner Chase seconded the motion.
Commissioner Tucker was elected unanimously (5 – 0).

Acceptance of Proof of Publication

Commissioner Tucker made a motion to accept the proof of publication.
Commissioner Bates seconded the motion.
The motion passed 5 – 0.

Approval of Minutes

Commissioner Bates made a motion to approve the minutes.
Commissioner Chase seconded the motion.
The motion passed 5 – 0.

The Chairman explained to the audience the manner in which the meeting was to be conducted.

NEW BUSINESS

Technical Review Item:

A. Creek Side Acres PSP; Lou Tulp, applicant; 6,548.39 acres; Preliminary Subdivision Plan Approval for 3 tracts zoned A-5 and A-10 (Agricultural District); located east from Snowhill Road to the St. Johns River/County Line; the north side is bounded primarily by the Little Big Econ State Forest and extends south beyond the Econlockhatchee River.

District 2 – Commissioner McLean
District 1 – Commissioner Dallari

Tony Walter, Principal Planner

Mr. Walter stated that the applicant is requesting approval of a Preliminary Subdivision Plan for Creekside Acres, consisting of 3 tracts of land of approximately 6,548.39 acres, zoned A-5 and A-10. The PSP has been reviewed and is in compliance with all of the County Land Development Code requirements. Staff recommendation is for approval.

Commissioner Bates asked for a summary of this project. This is a large project.

Tony Walter said that Tracts 1 and 2 will be dedicated as a conservation easement and are to be purchased by the State. Tract 3 will ultimately have some development rights, but none are planned at this time. Approximately 5,000 acres are going into the conservation easement.

Commissioner Tucker said that this is not rezoning the third tract.

Commissioner Chase asked if this is going to the BCC.

Mr. Walter said it was going to the BCC.

Chairman Brown said that clustering would be allowed on the remaining 1100 acres.

Tony Walter said that the land would be developed within the provisions of the County Land Development Code.

Imogene Yarborough of 186 First Street, Geneva, thanked the staff for their work with her family to bring this project forward. She met with the citizens of Geneva and there was no problem. She has lived there since 1949.

Commissioner Bates made a motion for approval.
Commissioner Day seconded the motion.
The motion passed 5 – 0.

Commissioner Chase recused herself from the following item and left the dais.

B. **Terracina at Lake Forest PSP**; Taylor Morrison of Florida, Inc., applicant; approximately 42.55 acres; Preliminary Subdivision Plan approval; 284 townhome lots and 6 mixed use commercial lots; located on the north side of SR 46 at the intersection of International Parkway.

Commissioner Carey – District 5
Cynthia Sweet, Planner

Ms. Sweet stated that this project was formerly known as SR 46/Lake Forest Blvd. Preliminary Subdivision Plan. This project will have 284 townhome lots and 4 commercial lots zoned Planned Unit Development. The PSP was revised to comply with the approved Final Master Plan, amended PUD Developer's Commitment Agreement, and site development improvements. Ms. Sweet stated that the revised PSP meets all of the conditions of the SR 46/Lake Forest Blvd. Preliminary Subdivision Plan and revised PUD Developer's Commitment Agreement, and Chapter 35 of the Seminole County Land Development Code. Staff recommends approval of the revised plan as submitted.

Commissioner Tucker made a motion to approval of the plan.

Commissioner Bates seconded the motion.

The motion passed 4 - 0. Commissioner Chase was not present for this item.

Commissioner Chase returned to the dais at this time.

Public Hearing Items:

The applicant is requesting a continuance on the following item:

C. **Heathrow PUD - Brookhaven Phase III Rezone and Small Scale Land Use Amendment / Major Amendment to a PUD (Planned Unit Development), and Amendment to a Development of Regional Impact**; CPH Engineering / Dana Boyte, applicant. 4.21± acres. Rezone A-1 (Agriculture) to PUD (Planned Unit Development) and SSLUA (Small Scale Land Use Amendment) from SE (Suburban Estates) to PD (Planned Development); also an Amendment to the Heathrow DRI (Development of Regional Impact); located east of Markham Woods Road, south of Markham Road. (Z2007-49)

Commissioner Carey – District 5
Austin Watkins, Senior Planner

Tina Williamson stated that the applicant is requesting a continuance on this item to an undetermined date. The item would be readvertised at the expense of the applicant at such time as required, with new public notices sent out.

Chairman Brown asked if there were anyone present wishing to speak on the matter of continuance of this item.

No one spoke from the audience.

Commissioner Chase made a motion to continue the item to an indefinite time in the future.

Commissioner Bates seconded the motion.

The motion was passed 5 – 0.

D. **Etor PUD Major Amendment**; Robert Horian, Suncor Properties Inc., applicant; 16.29 ± acres; PUD (Planned Unit Development) Major Amendment for a change of use from Office to Multi-Family and Revised Final Master Plan; located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd; (Z2006-78)

Commissioner Henley – District 4
Austin Watkins, Senior Planner

Mr. Watkins introduced the ETOR PUD (Planned Unit Development) Major Amendment for 6.75 ± acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd.

Mr. Watkins stated that the PUD was originally approved in 1994 as a multi-use Office, Retail and Multi-Family PUD.

Tract "C" is approved for 5.47 acres of Office, 3.00 acres of Neighborhood Commercial and 3.94 acres of attached single-family dwellings. The applicant proposes to change the uses for Tract "C" from Office and attached single-family to multi-family and increase the maximum allowable building height and densities.

There are two separate tracts. A 7-story condo is proposed on Tract C-2, which is the northern tract, and a 4-story unit on Tract C-4 to the south.

The applicant is proposing to reduce the office uses allowed from the approved 5.47 acres to the existing-built 2.53 acres of office and allow for a seven-story (six floors of residential on top of one floor of parking) 80 dwelling unit condominium development to be constructed on the remaining 2.94 acres of Tract C-2. The net density is 34.04 dwelling units per net buildable acre and maximum building height is 7-stories or 75 feet.

In 2004, Tract C-4 was approved for 39 individually platted townhomes at a net density of 12.22 dwelling units per net buildable acre. The applicant is also requesting to change the 3.94 acres approved for townhomes to condominiums and increase the number of approved dwelling units from 39 to 108 and maximum building height to 4-stories or 45 feet.

The PUD limits the maximum building height of residential development adjacent to Tract "F" (retention pond to the south) to two stories and all other residential development to 35 feet and three stories.

The surrounding property within the ETOR PUD includes commercial (C-1 and CN uses), multi-family and professional office uses. The property to the north and east of the subject property is approved for commercial and professional office uses. South of the subject properties are a retention pond (Tract F), single-family and multi-family developments within the Greenwoods Lakes PUD and ETOR PUD. Tract E of the ETOR PUD is located south of Tract C-2 and abuts Tract C-4 on the western property boundary. Tract E is approved for multi-family residential and has a maximum building height of 35 feet and a net buildable density of 17.6 dwelling units per acre.

The Seminole County Comprehensive Plan, Vision 2020 Policy FLU 2.11 provides a methodology for determining compatibility in the Planned Unit Development (PUD) Zoning Classification. The policy states that, "compatibility may be achieved by application of development standards such as, but not limited to, lot size, setbacks, buffering, landscaping, hours of operation, lighting and building heights."

In addressing the density within the proposal, Mr. Watkins stated that Tract C-2 is 2.94 acres and is currently approved for office uses. The requested Major Amendment would allow 80 condominium units in a seven - story building. The proposed net density for Tract C-2 is 34.04 dwelling units per net buildable acre and the requested maximum building height is 75 feet. The maximum densities within a ½ mile radius from the site range from 3.0 to 17.6 dwelling units per acre. Tract E, immediately south of Tract C-2 across Sun Drive, contains a 3-story apartment complex with a net density of 17.6 dwelling units per acre. The proposed Major Amendment represents an increase in net density from 17.6 dwelling units per net acre on Tract E to 34.04 dwelling units per acre on Tract C-2, which is an almost 100% increase. At the same time, the applicant is also requesting to reduce the required setback adjacent to Sun Drive, across from Tract E, from 35 feet to 25 feet, with a 10-foot landscape buffer.

Tract C-4 is 3.94 acres and in 2004, it was approved for 39 individually platted townhomes at a net density of 12.22 dwelling units per net buildable acre. The requested Major Amendment is for 108 condominiums with a net density of 33.9 dwelling units per net buildable acre and a maximum building height of 45 feet. The proposed amendment represents a nearly 100% increase from the established density of 17.6 dwelling units per acre in Tract E, which is adjacent to Tract C-4 on the western property line. The applicant is also requesting to reduce the required setback adjacent

to Tract E (west), from 35 feet to 25 feet and the setback adjacent to Tract F (south) from 35 feet to 0 feet.

In addressing the building height in the area surrounding the subject property, Mr. Watkins pointed to a maximum building height of 35-feet within unincorporated Seminole County. The surrounding properties in the City of Lake Mary have a maximum building height of 40 feet to 55 feet 6 inches. The tallest building within a ½ mile radius of the subject property is the Sandefur Professional Office Building, located at 740 North Sun Drive. The Sandefur building is approved for a maximum building height of four stories, not to exceed 55 feet and 6 inches and was approved as a conditional use by the City of Lake Mary.

The proposed Major Amendment is for a 75-foot building on Tract C-2 and a 45-foot tall building on Tract C-4. The proposed 75 feet height constitutes an increase of 20 feet and four stories above the maximum building height approved for the Sandefur building. Additionally, the proposed amendment would result in an increase in the maximum allowable building height from 35 feet on Tract E to 75 feet on Tract C-2. The increase in maximum allowable building height for Tract C-2 versus Tract E represents over a 100% increase in maximum allowable building height. It would also allow 45 feet, four story buildings adjacent to Tract F, with a 0-foot setback. All development adjacent to Tract F is currently limited to a maximum of two stories, with a 35-foot setback.

The proposed setbacks are also not consistent with surrounding properties. The Sandefur building has a setback of 80 feet from Sun Drive and has a maximum building height of 4-stories or 55 feet and 6 inches. Tract E of the ETOR PUD has a 45-foot setback from Sun Drive and has a maximum allowable building height of 35 feet.

Mr. Watkins stated that staff has determined that the proposed increases in density and building height, coupled with the proposed setback reductions, do not provide an appropriate transition to adjacent properties and are not compatible with surrounding development patterns. The proposal constitutes nearly a 100% increase in net density for Tract C-2 and C-4, as well as building height, versus any currently approved developments within a ½-mile radius of the site. The proposed building heights are also not consistent with the surrounding one-story retail developments to the north and east and three-story residential development to the south and west.

Staff recommendation is for denial of the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer's Commitment Agreement, for 6.75+ acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Boulevard.

Ronald Henson with Design Services Group is the project engineer. Mr. Henson stated that there are density increases in the two areas under examination, but the net density of the PUD as a whole has not increased. The PUD is a multi-use development. Mr. Horian has been developing the commercial aspects of the PUD. Mr. Henson demonstrated on an overhead map the developed areas of the PUD and surrounding

areas. He stated that Mr. Horian would like to change the nature of two small undeveloped areas of the PUD, which already have the infrastructure in place. The changes being made tonight will not change the vested trips. The two office buildings that are not going to be built were to be a three-story medical building and a single story office building. Tract C-4 had 36 townhomes which will be replaced with two four-story free standing structures. This will reduced the floor space occupied and increase the open space. Open space will be amentized with interconnecting drives and pedestrian ways. A variety of uses will be available to the residents of the area. Such high intensity uses are recommended by the County in the areas of high use. Mr. Henson stated that the proposed developments would be well screened from the residential areas to the south and to Lake Mary Boulevard. He showed pictures with projected views of the proposed buildings. Mr. Henson stated that the buildings will not stand out. The seven-story building has the first floor as parking garage topped by a health spa and swimming pool area. The roof will have some resident amenities. We are trading medical office use for residential use. This PUD is almost 20 years old, and times change. This is more appropriate for the needs now. There is an abundance of townhomes. Mr. Henson said that the East Central Florida Regional Planning Council recommends less urban sprawl, less building area coverage, more preservation of green areas, and traffic contained in areas which accommodate the flow. This will be a good component to the existing PUD. The unit sizes range from 1,800 square feet to 2,500 square feet.

Bob Horian said that this is the last of the 40-acre tract he is developing. It is the center of the area, with 5 banks and 20 restaurants. Townhomes with two or three stories of staircases do not seem to be in vogue today. They are not selling. Subdivisions are sitting dormant. People want flats today. People like things one level with elevators servicing the building instead of stairs. There are two levels of development between the buildings. The tower will be luxury living with concierge service. The other building will be smaller, more affordable units. There projects are highly amenitized, which is what the County wants. The East Central Florida Regional Planning Group did a study of the area and this development comes out of that study.

No one spoke from the audience.

Commissioner Chase stated that this development is very large.

Commissioner Day asked if there were emergency vehicles that could service seven-story buildings in the area.

Mr. Watkins did not know what height the emergency vehicles could access.

Commissioner Day stated that the trucks that serve a seven-story building are different from those that service a three-story building.

Commissioner Brown said that by taking out office building uses we are "eating our seed corn." Office buildings have less demands on our infrastructure than residential

uses. We are looking at a negative here. The density of going from 39 units to 108 units is a concern.

Commissioner Tucker said that there is a classic argument about smart growth with infill projects differing from established existing uses in character. This does not appear to be the type density that was anticipated in the area.

Commissioner Bates concurred with Commissioner Tucker. This has redeeming qualities, but it is too intense for the area.

Commissioner Bates made a motion to deny of the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer's Commitment Agreement, for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd, based on staff findings.

Commissioner Chase seconded the motion.

The motion passed 5 – 0.

E. **Orange Blvd Property PUD Major Amendment**; Michael Good, KBC Development Inc., applicant; approximately 22.3 ± acres; Major Amendment to the PUD to allow for Outdoor Advertising Signs; located on the south side of Orange Blvd approximately 230 feet east of the intersection of Orange Blvd and Dunbar Ave. (Z2007-38)

Commissioner Carey – District 5
Austin Watkins, Senior Planner

Austin Watkins presented the Orange Blvd Property PUD Major Amendment for 22.3 ± acres, located approximately 230 feet west of the intersection of Orange Boulevard and Dunbar Avenue.

Mr. Watkins stated that on November 15, 2005 the Board of County Commissioners rezoned the subject property from A-1 (Agriculture) to PUD (Planned Unit Development). The Orange Boulevard Property PUD allows for C-1, C-2 and M-1 uses and Special Exceptions within those zoning districts. The PUD does prohibit certain uses. The approved Development Order prohibits outdoor advertising signs.

At this time, the applicant is requesting to remove outdoor advertising signs as a prohibited use. If approved, the applicant will enter into a voluntary billboard agreement with the County, pursuant to Section 30.1253 of the Seminole County Land Development Code to allow for the erection of one billboard on the KBC property in exchange for the removal of two legal non-conforming billboards on the KBC property and one legal non-conforming billboard on an adjacent piece of property (Featherlite property).

Staff recommends approval of the requested PUD Major Amendment, rezone ordinance from PUD (Planned Unit Development) to PUD (Planned Unit Development), Revised Preliminary Master Plan and Revised and Restated Development Order for 22.3 ± acres, located approximately 230 feet west of the intersection of Orange Boulevard and Dunbar Avenue, based on staff findings.

Commissioner Brown asked how the County could put into effect a development order which would effect a piece of property not in this application?

Mr. Watkins stated that if this application is approved by the Board of County Commissioners, the County will enter into a voluntary billboard agreement, which will remove 4 existing sign faces in exchange for one new, conforming sign.

Chairman Brown asked how a sign on another person's property can be committed to this potential agreement?

Mr. Watkins stated that the signs were owned by one company who would enter into a voluntary billboard agreement covering signs it has placed on various properties.

Lou Musica, of Clear Channel Outdoor, was present and stated that he agreed with the staff report.

No one spoke about this item from the audience.

Commissioner Tucker said that in 2005 this property had been discussed and a provision was clearly stated allowing no billboards. The condition of the present billboards is poor. These billboards should be allowed to go out naturally. We would be using this agreement to perpetuate something that should not be there. He understood the County was going to be decreasing billboard faces along I-4. We have gone through a long, hard process to eliminate billboards. We are not enforcing our codes. We should look to limit the size and height at least to what is there. Some structural stipulation should be put on it. This PUD was approved without billboards. He is opposed to this and will vote against it.

Commissioner Chase asked about the size limitations.

Ms. Williamson said that according to the Code, the size of the sign shall not exceed gross area of 672 square feet and the height shall not exceed 30 feet above the crown of the road which the sign is designed to serve.

Commissioner Chase said that this would go strictly by the Code.

Tina Williamson said that unless other restrictions were given, the agreement would follow what is in the Land Development Code.

Commissioner Tucker asked for the square footage and height of the existing signs.

Mr. Watkins stated that he did not have that information.

Chairman Brown asked Kathy Furey-Tran if there were federal regulations on the signage along the interstate highways. Is there a stipulation that billboards can be built along interstate highways?

Kathy Furey-Tran said that she is not aware of the exact federal legislation as such, but that there can be no outright prohibition on billboards. There has to be some place in the County for them. Most people have decided along the highway is the best place.

Commissioner Brown asked if the Board would assume that the billboard faces would be 14 by 30 feet.

Commissioner Tucker said that the billboard could be addressed by whatever it is now in height and dimension.

Tina Williamson said that the applicant may have the size of the existing sign.

Lou Musica said that the existing signs are all the same standard industry size: 14 feet high by 48 feet long, for 672 square feet.

Commissioner Brown asked the height of the structure holding the signs.

Mr. Musica said that they were a maximum of 30 – 40 feet high.

Commissioner Brown said that the pole height is contingent on the height of the crown in the road that it serves.

Commissioner Chase asked for clarification of how the other signs would enter into this agreement.

Chairman Brown said that the applicant has control of the other signs and would have an economic benefit from this new sign.

There was a brief discussion of sign faces and interval of exposure to the road before changing sign faces.

Commissioner Tucker said that if the Code were enforced, the County would be dealing with one sign with two faces. This is a PUD where it was stipulated specifically that there would be no billboards. The intent of the Code is to have the non-conforming uses eventually phase out. This is not phasing them out; we are trading them off.

Commissioner Brown asked if non-conforming signs can be repaired.

Ms. Williamson said that non-conforming signs can be repaired or replaced, except where they are non-conforming due to zoning.

Commissioner Tucker stated that the two signs were non-conforming as per the PUD.

Commissioner Tucker made a motion to deny the request.

Commissioner Bates seconded the motion.

The vote was 2 – 3. The motion failed. Commissioners Brown, Chase, and Day voted "no."

Commissioner Chase made a motion to recommend approval of the requested PUD Major Amendment, rezone ordinance from PUD (Planned Unit Development) to PUD (Planned Unit Development), Revised Preliminary Master Plan and Revised and Restated Development Order for 22.3 ± acres, located approximately 230 feet west of the intersection of Orange Blvd. and Dunbar Ave., based on staff findings.

Commissioner Day seconded the motion.

Commissioner Bates asked if the standards have to be restated.

Mr. Watkins stated that the 672 square feet and the 30 feet above the crown of the road would apply to the agreement.

The vote was 3 – 2. The motion passed. Commissioners Tucker and Bates voted "no."

F. **Seminole Community College Foundation OP Rezone**; Matthew W. Hodge, applicant; 4.84 acres; Rezone from OP (Office Professional) to OP (Office Professional); located on the southeast corner of West Lake Mary Boulevard and College Drive.
(Z2008-02)

Commissioner Carey – District 5
Austin Watkins, Senior Planner

Mr. Watkins introduced the SCC Foundation Rezone from OP (Office) to OP (Office) for approximately 4.84± acres, located on the southeast corner of the intersection of College Drive and Lake Mary Boulevard.

Mr. Watkins reviewed the changes to the project specific conditions to the Development Order. Item B should read "a 25-foot landscape buffer and a 50-foot building setback for one story buildings and a 100-foot building setback for two story buildings."

Mr. Watkins stated that this site was originally rezoned from A-1 (Agriculture) to OP (Office) on July 25, 2006 for the purpose of a three building office complex containing a total of 48,966 square feet of office space. The applicant is requesting a rezone from OP (Office) to OP (Office) for the purpose of modifying the previously approved site plan to add two additional access points onto College Drive. The requested modification will also reduce the total office square footage from 48,966 square feet to 45,110 square feet.

On January 28, 2008, the applicant appeared before the Board of Adjustment to request a Special Exception for a bank on the portion of the subject property adjacent to Lake Mary Boulevard. The OP zoning district allows banks as a Special Exception use. The Board of Adjustment approved the use of a bank on the subject property, with conditions.

At this time, the project is now associated with the Seminole Community College Foundation and the proposed site plan has three access points, which include two on College Drive and one on West Ridge Drive.

The previous owner was not able to obtain an easement on College Drive and therefore the project was approved with one access point on West Ridge Drive.

Staff has reviewed the requested modifications and their impacts to the residents of West Ridge Drive is recommending approval of the access point on West Ridge Drive, with the following conditions:

1. The access onto W. Ridge Drive shall be right-in, right-out only; and
2. Signage adjacent to or oriented towards West Ridge Drive shall be prohibited. All signage must be oriented towards Lake Mary Boulevard or College Drive.

Additionally, the applicant is requesting a waiver to Section 30.1232 of the Land Development Code to reduce the Active Buffer required along the west property line adjacent to West Ridge Drive from 50 feet to 25 feet. The previously approved site plan and Development Order had one-story office buildings fronting on West Ridge Drive, with the majority of the parking oriented internal to the site. The buildings were also required to be designed with a residential character. The proposed site plan has a two-story office building on the west side of the property, with the majority of the parking oriented towards West Ridge Drive. Staff has reviewed the request and its impact on the residents of West Ridge Drive and recommends approval of the Active Buffer reduction from 50 feet to 25 feet, subject to the following conditions:

1. The buffer must include at a minimum a 6-foot brick or block wall with a decorative finish, eight canopy trees and four sub-canopy trees per one hundred linear feet of buffer; and
2. The required landscaping must be planted on the outside of the wall adjacent to West Ridge Drive as a visual amenity to the residents.

Staff recommends approval of the request for a rezone from OP (Office) to OP (Office) on approximately 4.84± acres, located on the southeast corner of the intersection of College Drive and Lake Mary Boulevard, and recommends approval of the attached Revised and Restated Development Order.

Commissioner Tucker asked for the ingress and egress provisions for Ridge Drive.

Mr. Watkins stated that there would be a right-in, right-out only access onto W. Ridge Drive. Signage should be facing Lake Mary Boulevard or College Drive. Signage facing W. Ridge Drive is prohibited.

Commissioner Tucker said that he could see the right-in only, but why is there no left-out turn to bring the traffic up to Lake Mary Boulevard?

Alison Stettner stated that the right-in is being designed to allow people to ingress into the bank. The right-out is being designed so as to encourage people to use the primary access point from College Drive.

Commissioner Tucker said that this pattern will force people back into the neighborhood. People will have to make a U-turn if they do not want to go out on College Drive.

Ms. Stettner stated that there would be a reduced conflict by having this pattern at that ingress point. It would allow people from the neighborhood to access the bank.

Matt West introduced Matthew Hodge, the Executive Director of the SCC Foundation.

Mr. Hodge said that the Foundation is a separate 501C3. The role of the Foundation is to benefit the college.

Commissioner Tucker asked about the ownership of the property.

Mr. Hodge said that the Foundation is under contract on the property. The Foundation is close to the college and that is why there is a request for the 2 access points. The college is very concerned about what is being developed here. The three access points will increase the value. The college will be a primary tenant.

Commissioner Tucker pointed out that the college had been very opposed to having access points onto College Drive in the past.

Mr. West said that the property had been rezoned to OP (Office) a year and a half ago. Prior to that it had been in commercial use. It was a commercial tennis facility with access to Ridge Drive. It had lighted tennis courts at night. The current proposal directs traffic away from Ridge Drive. Traffic is directed to exit onto College Drive. The proposed office building will be for support offices to the college, not classrooms. Under the prior approval, there was 49,000 feet of office space, which could have been

medical offices, a high traffic generator. This request also reduces intensity by reducing the square footage. Traffic is directed to a signalized intersection.

Commissioner Tucker asked how long it had been since the tennis court usage was active.

Mr. West said that it had been a few years.

Alison Stettner asked if the commissioners had received the petition from the neighbors in the area.

Chairman Brown said that the commissioners had seen the petition.

Donald Tise of 124 Lake Minnie Drive said that he has lived there since 1962. He had a 4 page petition from area neighbors supporting access only through College Drive. He quoted policy TRA 10.10 (Access Control to protect residential uses) concerning traffic patterns for the project. Mr. Tise stated that the tennis courts had been abandoned 20 years ago. West Ridge Drive is a narrow 22.5 foot residential street. There is a 50 foot strip of land on the western boundary owned by the college adjacent to College Drive. Mr. Tise said that College Drive has been defined by the County as a Collector Road. Mr. Tise said that he had spoken to Denny Gibbs in the Planning Department on the morning of January 28. Ms. Gibbs said that the Planning Department was recommending denial of any access on West Ridge Drive. Following the meeting of the Board of Adjustment that evening, Mr. Tise and Steve Timmons spoke to Alison Stettner. She stated that the Planning Department was recommending access only from College Drive, a Collector Road, and no access via West Ridge, a residential street. Alison Stettner said that the recommendation was based on TRA 10.10 (Access Control to Protect Residential Uses). A petition drive was started by the Fairlane Estates homeowners the next day. Mr. Tise said that the recommendation was changed on February 4 by the Planning Department, allowing the entrance on W. Ridge Drive. Mr. Tise said that this position of allowing access on W. Ridge Road, is a violation of the trust Mr. Tise and the residents built about this facet of the agreement. He requested that the County honor the initial recommendation by the Planning Staff that the access be from College Drive, not W. Ridge Drive. There is no light there at W. Ridge Drive. W. Ridge is a one lane road. Mr. Tise said that he represented 86 Fairlane residents who approved of the agreement, without access from W. Ridge Drive. He asked why we have a Code if we do not enforce it. College Drive did not exist 20 years ago when access was granted to the tennis facility from W. Ridge. College Drive is there now.

Larry Johnson of 113 W. Ridge Drive lives directly opposite the proposed site. He said that College Drive has a low volume. Ridge Drive is very narrow and is used for children playing and people walking. There are school bus stops inside the neighborhood. There are no sidewalks. There will be serious safety issues if W. Ridge is used. There is no need for access to W. Ridge.

Steven Timmons of 171 Lakeside Drive said that the entrance on W. Ridge will become a primary access road. It will seriously effect 3 houses at the beginning of the road.

Janie Walker was also opposed to the W. Ridge access.

Matthew West said that the applicant does not have to have the "right – out" onto Ridge Drive. What is needed for the functioning of the site is the "right – in" off of Ridge Drive. Mr. West said there is a development order in effect now that channels all of the traffic for a 40,000 square foot office building onto Ridge Drive. The policy quoted by Mr. Tise is not mandatory. It is suggestive. The current plan on this property has all of the traffic going on Ridge Drive. We are diverting 2/3 of the traffic onto College Drive. Mr. West pointed out that the access point has been moved from the middle of the site to approximately 200 feet from Lake Mary Boulevard. This is closer to the road, away from the neighborhood. Mr. West said that the approved 49,000 square feet of medical offices would generate a higher volume of traffic onto Ridge Drive. The proposed project has moved the access point and diverted the traffic. At most, the impact is two a few homes. The college building will be support offices, with lower traffic volume. Without the right – in access to the bank, people will be doing U-turns on Lake Mary Boulevard or be cutting through the parking lot. The development order has restrictions on signage. People will be directed to the College Drive entrance.

Commissioner Brown asked about College Drive. Is it considered a private road?

Tony Nelson of Development Review said that College Drive is a collector roadway. The road is a private road.

Commissioner Brown asked if the County can require that the project have access to College Drive.

Mr. Nelson said they the County cannot require that.

Commissioner Bates asked how the 2006 approval take place?

Commissioner Tucker said that there have always been questions as to why College Drive was private, since it was bought by public funds. The project has to have access to a public road. That would be Ridge Drive.

Tina Williamson agreed. The property could be developed with access easements onto College Drive. Without the access easements, the only access would be onto W. Ridge Drive.

Commissioner Tucker asked if this would be allowed for other developers to only access a private road.

Ms. Williamson said that it would be allowed for anyone have the proper access easements.

Commissioner Brown said that he believed the traffic on W. Ridge Drive would be about 45 or 50% of the project traffic. He stated that "right-out" will cause people to be turning around in resident's driveways.

Commissioner Chase stated that she did not like the "right-in" but that she could not get past the "right-out" specification.

Commissioner Brown said that if someone comes in on W. Ridge they will be tempted to go out that way by making an illegal turn.

Commissioner Tucker said that even if the use is a "right-in" only, there would be need of an improvement to the road from Lake Mary Blvd. to the entrance on W. Ridge Drive.

Commissioner Day said that the developer of the bank will not go onto the site without access onto College Drive.

Commissioner Tucker said that was the reason why the site was not developed earlier. The Board of Adjustment ruling the other night was to allow for a drive-thru bank use.

Commissioner Day said the site will not move forward without the approval of the access on College Drive.

Commissioner Tucker said that the other option is to allow ingress only from College Drive and to not allow a bank.

Commissioner Brown said that then we are back to the feasibility of the site.

Commissioner Day said that the college could sell off the out parcel to the bank.

Commissioner Tucker said that this is now the economics of things, rather than the planning of the site.

Commissioner Chase said that it was preferable to do U-turns on Lake Mary Boulevard than to have people turning around in resident's driveways.

Commissioner Brown said that people driving by the initial entrance will be driving through the neighborhood or cutting through the parking lot. Some people would prefer to exit at the light.

At this time the Commission took a recess.

Upon returning, the Chairman stated that at the current time, West Ridge Road receives 100% of the traffic into the site. There are homeless persons living on the site also.

Commissioner Bates said that he is for the project, except for the traffic impacts on the neighborhood on Ridge Drive.

Commissioner Tucker asked if this is a straight rezone.

Ms. Williamson stated that it is tied to a site specific plan and a development order.

Commissioner Tucker said that it is not a PUD. It has this site plan with OP zoning. OP zoning is associated to a development order, similar to a PUD. He has no problem with the college aspect of the property. The college has held up the development of this property for years with the lack of access onto College Drive. Now it is being allowed. He has no problem with the college developing the property with ingress and egress to College Drive, and having a bank there, but let it go straight to College Drive.

Commissioner Brown suggested a "right-in" of W. Ridge, but added an island opposite the entrance, so that one could not cut across.

Commissioner Tucker said that there would have to be some sort of barrier to keep people from cutting across.

Commissioner Brown said that there could be the island, with the road widened to the point of the entrance to accommodate traffic.

Commissioner Day said that this would require 20 extra feet for the island, which would effect the site plan and cause them to take out parking. This would make the site plan not feasible, or cause them to delete a teller lane. While the island would help, there is not enough room without effecting the private property owners in the area. This would have to be done completely on the commercial property, and there is not enough room there.

Commissioner Brown said that perhaps parking spaces could be removed. He said that he definitely does not want "right-in" and "right-out" for the project.

Commissioner Day said that the "right-out" is for the bank. She said that there is a lot of access to the site. She does not want the traffic going back into the neighborhood.

Commissioner Chase said that she does not want the traffic going back into the neighborhood either.

Commissioner Brown said that half the traffic will go there.

Commissioner Bates asked if we want to restrict the access.

Commissioner Brown said that the project could be moved forward with the recommendation to re-work the plan before going to the BCC. We should keep in mind that they have a legal access to the road. The property owner does have rights.

Commissioner Tucker said that if they buy the land they will have access to the road.

Commissioner Brown said that we are dealing with two entities. The State of Florida owns Seminole Community College and also the Seminole Community College Foundation which is not owned by the State of Florida.

Commissioner Tucker made a motion to recommend approval of the request with the exception of any access to W. Ridge Drive.

Commissioner Bates seconded the motion.

Commissioner Brown said that this may make the Foundation not want to participate. We cannot look at economics, but we also don't want to have something developed that is not economically feasible, because it goes out of business and becomes a blight on the community.

Commissioner Tucker said that there had been a piece of property at SR 436 and Bear Lake Road that was owned by a church. The church wound up buying the properties around the site that would be heavily impacted. This will have an economic impact to the value of adjacent properties. We should minimize the impact on existing single-family homes that are owner occupied. The accessibility to College Drive is not impinging on the rights of the owner of the private road, since the owners are the same. The rights of the single-family homes exceed the other.

Commissioner Brown stated that he will vote in favor of the motion. He wished that the other access could be worked out.

The motion carried 5 – 0.

Alison Stettner spoke to the Commissioners about a draft re-write of the County Comprehensive Plan that is based on the Evaluation and Appraisal Report (EAR). Binders with a portion of the draft were distributed to the Commissioners for their input to be taken in a series of workshops.

Sheryl Stolzenberg said that the books were Phase II of the EAR process. Every seven years the County must evaluate its processes and make recommendations about the changes to be made. The Plan must be brought into compliance with state laws and reflect what the community feels should be going on. The Department of Community Affairs found our first step acceptable. We are working on the second step, bringing into the Comp. Plan many recommendations from various sources: studies into workforce housing and the character of the rural area, as well as the "How Shall We Grow?" report. The upcoming workshops will take the input and recommendations from the members of the Land Planning Agency/Planning and Zoning Commission for use in the new draft Comprehensive Plan. Workshops will be held with the publics throughout the County also. The final draft will be brought back for approval of the Planning and Zoning Commission and then sent on to the BCC. Tonight commissioners will receive the first 5 elements of the Comprehensive Plan. There are two optional elements that the County may wish to remove from the Plan, in order to give us more flexibility and

local control – Library Services and Public Safety. The Energy Element and the Conservation Element are being merged.

Alison Stettner said that the aim is for a May transmittal of the Comprehensive Plan. The BCC will transmit in June.

Commissioner Tucker said that there are some major philosophical changes to be considered with the upcoming Land Development Code and Comprehensive Plan. He is concerned with the short amount of time the P&Z members are being given to work on the documents.

Commissioner Brown said that it was an important role of this commission to write the Code and the Plan. He does not just want to look over the staff draft and approve it. The more time that is spent by the commissioners on the documents, the better. The commissioners represent the community.

Ms. Stettner said that the Future Land Use element is a large item and will comprise the greatest part of the Comprehensive Plan.

Scheduling of the workshops was discussed. Chairman Brown said that no matter what the schedule, someone will always have a problem with making the sessions.

Commissioner Day said that longer advanced notice is appreciated for scheduling purposes.

Dori DeBord said that written comments or separate meetings can be used for input. Meeting topics will be flexible. Ms. DeBord said that summaries of topics discussed can be generated in bulleted form and presented at the next meeting.

Chairman Brown said that the Land Planning Agency/Planning and Zoning Commission has differed from staff in the view that the LPA/P&Z can transmit the document the way they want it written, differing from Staff.

Ms. DeBord said that the Plan must be written, by State statute, conform to the requirements of 163 and 9J5. Ms. DeBord said that it was important to have a dialog. Staff will inform the commissioners as to the EAR requirements to enable DCA approval. The Comprehensive Plan can represent the philosophy of the Planning and Zoning Commission, but first and foremost, it must represent the State requirements of the Plan.

Commissioner Brown said that no suggestion would go against State requirements.

Commissioner Tucker said that there will be 67 interpretations of those requirements.

Ms. DeBord said that there will be differing interpretations within the DCA as well.

The commissioners talked among themselves and agreed on February 27th at 6:00 P.M. for the first meeting, rather than the suggested February 20 date.

Commissioner Brown suggested meeting at 5:30 P.M. when workshops are scheduled on P&Z meeting nights. Meetings on off Wednesdays will be at 6:00 P.M.

There being no further business, the meeting adjourned at 10:00 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Clerk to the Commission