

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
JULY 9, 2008**

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

Member absent: Rob Wolf.

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner, Jim Potter, Senior Engineer, Development Review Division; Alan Willis, Planner, Development Review Division; and Connie R. DeVasto, Clerk to the Commission.

OPENING BUSINESS:

The meeting convened at 7:00 P.M. with Chairman Brown leading the Pledge of Allegiance. The Chairman then introduced the Commission members and reviewed the procedure used for conducting the meeting and the voting.

Acceptance of Proof of Publication

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

Commissioner Tucker seconded the motion.

The motion passed unanimously 6 – 0.

Approval of Minutes

Commissioner Bates made a motion to accept the minutes as submitted.

Commissioner Eismann seconded the motion.

The motion passed unanimously 6 – 0.

NEW BUSINESS:

Technical Review Item:

A. Eden Point Preliminary Subdivision Plan; Ralph Spano, Spano & Associates, applicant; approximately 26.7± acres; Preliminary Plan for a 39-Lot Single-Family subdivision zoned Planned Unit Development; located on the west side of Dodd Rd, north of Howell Branch Road.

Commissioner Dallari – District 1
Alan Willis, Planner

Alan Willis stated that this is a request for approval of a Preliminary Subdivision Plan by Spano & Associates for the Eden Point Subdivision. The project consists of 39 lots on approximately 26.7 acres zoned PUD. The site is located on the west side of Dodd Road, north of Howell Branch Road. The PSP is subject to all the conditions of the approved Final Master Plan and internal the road will be private.

Mr. Willis further stated that the PSP meets all the conditions of the Seminole County Land Development Code and that the water and sewer are provided by Seminole County.

Staff recommends approval of the Preliminary Subdivision Plan as stated.

Commissioner Eismann made a motion to recommend approval of this request.

Commissioner Bates seconded the motion.

The motion passed unanimously 6 – 0.

Public Hearing Items:

B. Moore's Station Road PCD; Hugh Harling, applicant; 3.05± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located on the north side of the intersection of E. Lake Mary Boulevard and Moore's Station Road. (Z2007-79) – continued to the July meeting at the Applicant's request.

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Ian Sikonia stated that the Applicant in this request is Hugh Harling and that this item was continued from the June 4 meeting. This is a request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 3.05± acres, located on the north side of the intersection of E. Lake Mary Boulevard and Moore's Station Road.

Mr. Sikonia further stated that the proposed Preliminary Site Plan indicates that the project will contain a total of 16,500 building square feet which include allowable uses in the C-3 and C-2 zoning districts. The site also is utilizing buffering and signage standards of the Lake Mary Boulevard Overlay District. The Applicant is proposing a right in/right out access point along E. Lake Mary Boulevard and an access point on Moore's Station Road. The Applicant has designed this site to accommodate not only

automobile traffic, but also pedestrian and non-motorized access which will include bike racks and sidewalk connectors.

Mr. Sikonia also stated that the area of E. Lake Mary Boulevard is in close proximity to the Orlando/Sanford International Airport and has been assigned the Future Land Use Designation of High Intensity Planned Development – Airport (HIP-AP). The HIP-AP Future Land Use Designation has been implemented to encourage and foster growth for airport support uses such as retail, light industrial, and office. This property was split into two pieces due to the construction of E. Lake Mary Boulevard and has produced two irregular shaped parcels of land. In the recent years, this area has been transitioning from agricultural and residential uses to more intense industrial and offices uses which are more compatible and consistent with the existing Future Land Use Designation on the property.

Mr. Sikonia stated that this site is surrounded by vacant parcels and single-family homes on one acre and larger lots. All the surrounding properties contain the A-1 zoning district and the HIP-AP and Industrial Future Land Use Designations. Due to the size of this property, its proximity to major thoroughfares and the Orlando/Sanford International Airport, the proposed development of an office/commercial business park is consistent with the intent of the HIP-AP Future Land use. The proposed use of this site allows for a mixture of compatible office, retail, and commercial uses allowing for the growth of an employment center in a transitioning area. Staff finds the requested rezone is compatible with the surrounding uses and existing development patterns of the area.

Mr. Sikonia further stated that this property is located within the City of Sanford Utility service area and when this site applies for utilities, it will need to be annexed into the City of Sanford.

Staff recommends approval of this request and recommends approval of the attached Preliminary Site Plan, subject to the conditions in the attached Development Order.

Hugh Harling of Harling, Locklin, and Associates, stated that he agrees with Staff recommendations and conditions.

No one spoke in favor of this item from the audience.

Commissioner Art Woodruff from the City of Sanford stated that he would be speaking on behalf of the City regarding this matter. Mr. Woodruff stated that they are not necessarily in opposition to the request, but are somewhat in opposition of the process where the County will be approving this land use change when the County knows that it will have to be annexed into the City of Sanford. Mr. Woodruff further stated that some of the conditions that the City of Sanford will require are not being met in the Site Plan and upon annexation into the City; it will have to go through another review process.

General discussion ensued regarding the process of making land use changes while knowing the property would have to be annexed into a surrounding city.

Mr. Harling stated that they will be a good neighbor and work with all the surrounding communities, including the Airport, and when it gets annexed into the City, they will follow their conditions also.

Commissioner Tucker made a motion to recommend approval of this request.

Commissioner Eismann seconded the motion.

Commissioner Brown asked if Staff had received anything from the City of Sanford.

Mr. Sikonia stated that he advised the City of Sanford, via Intergovernmental Notification, of this request over two months ago and also supplied them with hard copies in June, and they responded with no conditions other than reiterating the fact that the Applicant will have to be annexed into the City of Sanford in the future if this request is approved.

General discussion ensued regarding these types of requests which will result in future annexations and the process the Cities take to notify the County of any conditions that they require prior to the requests coming before the Planning and Zoning Commission.

The motion passed unanimously 6 – 0.

C. Kentucky Street PCD Rezone; Hugh Harling, applicant; 12.16± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located ¼ mile west of the intersection of E. Lake Mary Boulevard and Beardall Avenue. (Z2007-80) – continued to the July meeting at the Applicant's request.

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Ian Sikonia stated that the Applicant is Hugh Harling and this is a request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) located ¼ miles west of the intersection of E. Lake Mary Boulevard and Beardall Avenue.

Mr. Sikonia also stated that the proposed Preliminary Site Plan indicates that the project will contain a total of 87,350 building square feet which include allowable uses in the C-3 and C-2 zoning districts. The site is also utilizing buffering and signage standards of the Lake Mary Boulevard Overlay District. The Applicant is proposing two access points along with frontage of E. Lake Mary Boulevard, including a right in/right out access, and a joint use driveway with the property to the east. The Applicant has designed this site to accommodate not only automobile traffic, but also pedestrian and non-motorized access including bike racks and sidewalk connectors.

Mr. Sikonia further stated that the area of E. Lake Mary Boulevard is in close proximity to the Orlando/Sanford International Airport and has been assigned the Future Land Use Designation of High Intensity Planned Development – Airport. The HIP-AP Future Land Use Designation has been implemented to encourage and foster growth for airport support uses such as retail, light industrial, and office. In the recent years, this area has been transitioning from agricultural and residential uses to more intense industrial and office uses which are more compatible and consistent with the existing Future Land Use on the property.

Mr. Sikonia stated that this site is surrounded by vacant parcels and single-family homes on one acre and larger lots. All the surrounding properties contain the A-1 zoning district and the HIP-AP Future Land Use Designation. Due to the size of this property, its proximity to major thoroughfares, and the Orlando/Sanford International Airport, the proposed development of a retail/office/warehouse complex seems consistent with the intent of the HIP-AP Future Land Use. The proposed use of this site allows for a mixture of compatible office, retail, and warehouse uses allowing for the growth of an employment center in the area. Staff finds the requested rezone is compatible with the surrounding uses and existing development patterns of the area.

Mr. Sikonia further stated that this property is located within the City of Sanford Utility service area and when this site applies for utilities, it will need to be annexed into the City of Sanford.

Staff recommends approval of this request and recommends approval of the attached Preliminary Site Plan, subject to the conditions in the attached Development Order.

Mr. Sikonia advised that Staff has received one letter of opposition, which is included in the packets, stating issues with the buffering, landscaping, dumpster location and the retention pond.

Hugh Harling of Harling, Locklin, and Associates, stated that he agrees with Staff recommendations and conditions. Mr. Harling advised that their understanding regarding the annexation is that if the Applicant can annex to get the utilities, they will do so. If they can't annex into the City of Sanford, they will sign an annexation agreement that states when they are legally able to annex, they will do so but will still have the use of the utilities until the annexation.

No one spoke in favor of this item from the audience.

Commissioner Art Woodruff from the City of Sanford stated that they have the same issues with this request as with the previous agenda item.

Don Orser filled out a speaker form but did not wish to speak at this time.

Kathy Hunter of 3730 Kentucky Street advised that she is the person who wrote the letter of opposition which is included in the packets. Mrs. Hunter stated that her property is located on the south and east side of the subject property. Mrs. Hunter added that her biggest concern would be the proposed buffers. She would like to have the Applicant add a bigger buffer or a concrete wall instead of the buffer that is currently proposed. Mrs. Hunter also expressed concern regarding the annexation of this into the City of Sanford.

Mr. Harling stated that they would be willing to put a screening buffer adjacent to Mrs. Hunter's property and would work with Staff to determine the type of screening that would be appropriate.

Commissioner Brown asked if there was an active/passive buffer on the subject property.

Tina Williamson stated that there was no active/passive buffer required with this project due to the fact that the HIP-AP and A-1 zonings are not considered residential in the County Code. The buffer that is proposed in this case is a 15' buffer containing canopy trees, sub-canopy trees, shrubs and a hedge.

Mr. Harling stated that they are willing to add a screening fence so that there will be a fence in addition to the landscaping that was initially proposed as a buffer.

Commissioner Brown asked what type of fence they would provide.

Mr. Harling stated that it would probably be some type of white PVC fencing.

General discussion ensued regarding transitional areas, when these types of requests come before the Commission, and taking into account the needs of the surrounding land owners as well as the Applicants.

Commissioner Tucker asked Staff if they have any comments regarding the issues Mrs. Hunter brought up in her letter of opposition.

General discussion ensued regarding the use of a fountain, retention areas, location of the dumpster, detention/retention ponds and the un-named road.

Commissioner Tucker inquired as to the time limit for outside activities.

Mr. Harling stated that he feels the normal hours of operation would be somewhere around 7:00 in the morning until 9:00 or 10:00 in the evening. Mr. Harling further stated that they would put a caveat in the conditions which would state that as long as there were residences adjacent to the subject property, the hours of operation would remain in place. He further added that if or when the residents surrounding this property are no longer living there, the stipulation as to the hours of operation would go away.

Commissioner Brown asked Staff if the dumpster could be moved to the west side of the building.

Mr. Sikonia stated that it could be moved.

Mr. Harling agreed to move the dumpster as requested.

Commissioner Tucker asked if the retention pond would be a twenty-four hour outfall.

Mr. Harling stated that it would.

Robert Hunter of 3730 Kentucky Street stated that their water table is about three feet and if the Applicant puts in a fountain, this would eliminate the possibility of a mosquito problem due to stagnant water. Mr. Hunter also stated that when the road was put in for Lake Mary Boulevard, they did put another pond in the woods and it has a lot of stagnant water and mosquitoes. Mr. Hunter further stated that the road they have been referring to is the canal and it provides drainage.

Commissioner Tucker made a motion to recommend approval of this request with the following conditions:

- **construction of the fence as stated by the Applicant**
- **Hours of operation shall be from 7:00 a.m. to 9:00 p.m.**
- **the moving and screening of the dumpster**
- **the monitoring of the retention pond (including mosquito control)**
- **when the surrounding area ceases to have an A-1 or residential zoning classification, the limitation on the hours of operation will no longer be in effect.**

Commissioner Eismann seconded the motion.

Jim Potter with Development Review, stated that until they come through with their final engineering design, it cannot be determined if it will be wet or dry. Mr. Potter further stated that it is his opinion that, unless they raise the site substantially, it will be a wet pond; which will be a detention pond. Mr. Potter also stated that all of the requirements of the pond would be considered during the final engineering review.

Commissioner Chase asked Mr. Potter if the review of the pond at the time of final engineering would include the subject of aeration of the water.

Mr. Potter stated that aeration of the water is not one of their requirements; however, if they meet the St. John's and the County's requirements for water quality, it shouldn't be a problem.

Commissioner Chase asked if there are other requirements or controls, for issues such as stagnant water that are addressed during the final engineering review.

Mr. Potter stated that there are other requirements.

General discussion ensued regarding the County's mosquito control policy as it relates to retention/detention ponds and fountains and the aeration of stagnant water.

The motion passed unanimously 6 – 0.

D. Woodbridge Commerce Center PUD Rezone; Tannath Design, Inc., Bryan Potts, applicant; 4.81± acres; Rezone A-1 (Agriculture) to PUD (Planned Unit Development); located on the east side of Elder Road, approximately 500 feet south of the intersection of Elder Road and Church Street (Z2008-03)

Commissioner Carey - District 5
Ian Sikonia, Senior Planner

Ian Sikonia stated that the Applicant is Bryan Potts and this is a request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.81± acres, located on the east side of Elder road, approximately 500 feet south of the intersection of Elder Road and Church Street. The proposed Preliminary Master Plan indicates that the project will contain a maximum of 50,000 square feet of building space split among the five parcels. The proposed permitted uses for the industrial park are the M-1A zoning district plus outdoor storage. The M-1A zoning district allows for light manufacturing and office/warehouse uses. The Applicant is proposing to subdivide the property into five parcels; the parcels will all have to submit individual Final Master Plans.

Mr. Sikonia further stated that the area of Church Street and Elder Road consists of a mixture of single-family homes, vacant land, and industrial type uses. For the past several years, the trend of development in the area is the conversion of larger vacant tracts of land into five acre or larger industrial parks, due to its proximity to Interstate 4 and the Orlando Metropolitan Area. The other approved PUD/PCD's in the area, which reflects these trends, is the Monroe commerce Center North, Monroe Commerce Center South, and Vantage Point. The previously stated PCD developments have all allowed similar uses (M-1A and C-3) which are basically the same as what the Woodbridge Commerce Center is proposing.

Mr. Sikonia also stated that the subject property is surrounded by the High Intensity Planned Development – Target Industry and Industrial Future Land Uses. The surrounding zoning districts are M-1A, A-1, and PCD. To the north and east is the Monroe commerce Center south PCD, to the south is a single-family home, and to the west is vacant land with industrial zoning.

Staff believes this PUD meets the intent of the High Intensity Planned Development – Target Industry Future Land Use. This project will be providing jobs in the manufacturing and sales area, which is similar to the other businesses and industrial parks in the immediate area. Staff finds the requested rezone is compatible with the

surrounding uses and existing development patterns of the area and Staff recommends approval of this request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) located on the east side of Elder Road and recommends approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

Brian Potts with Tannath Designs stated that he agrees with the Staff recommendation with one correction – Staff stated that to the west there is vacant land when it is actually the I-4 Industrial Park.

No one spoke in favor or opposition of this item from the audience.

General discussion ensued regarding the area to the west of the subject property, the amount of traffic and the condition of the roads in this area.

Commissioner Bates made a motion to recommend approval of this request.

Commissioner Chase seconded the motion.

The motion passed unanimously 6 – 0.

Commissioner Brown asked Alison Stettner if she had anything to address in her Manager's Report and she advised that at the August meeting, she will have the schedule of workshops that will be scheduled for the review of the Land Development Code.

Mrs. Stettner advised that the first workshop will be reviewing Chapter 4 of the Land Development Code.

Commissioner Tucker asked if the DAB and SCAC also review the Land Development Code and if so, could the Commission have a copy of their comments.

Mrs. Stettner advised that she will provide a copy of their comments as she receives them.

Commissioner Tucker asked Staff if the items that were continued from the June meeting had updated placards posted on the properties.

Mr. Sikonia advised that he personally re-posted updated placards on the properties.

There being no further business, the meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Connie R. DeVasto