

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
OCTOBER 1, 2008**

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

Members absent: Ben Tucker and Rob Wolf

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Joy Williams, Planner, Tony Walter, Principal Planner, Development Review Division, Jim Potter, Senior Engineer, Development Review Division, Kathleen Furey-Tran, Assistant County Attorney 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 Bates seconded the motion.

The motion passed unanimously 5 – 0.

Approval of Minutes

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

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

NEW BUSINESS:

Technical Review Item:

A. Colonial Town Park Revised PSP; Colonial Properties, Inc., applicant; approximately 176 acres; Revised Preliminary Subdivision Plan for 17 commercial lots zoned PUD; located on the northeast corner of CR 46A & International Parkway.

Commissioner Carey – District 5
Cynthia Sweet, Senior Planner

Tony Walter presented this item on behalf of Cynthia Sweet and stated that the Applicant is re-platting the entire property into 17 lots. It is currently in 7 commercial lots.

Mr. Walter advised that the revised Preliminary Subdivision Plan request meets all the conditions for Final Master Plan and Developers Commitment Agreement. Mr. Walter also advised that the internal roads are private and Seminole County provides the utilities.

Based on these findings, Staff recommends approval.

Commissioner Brown asked why they are dividing the property.

Tony Walter advised that they are dividing the property because there is currently more than one structure on some of the lots and they probably want to divide it for financial reasons.

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

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

Public Hearing Items:

B. Beardall Avenue (2850) Rezone; Robert Couch, applicant; Request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 6.04± acres, located approximately 1 mile south of the intersection of Beardall Avenue and E. SR 46. (Z2008-26)

Commissioner Carey – District 5
Joy Williams, Planner

Joy Williams presented this item and advised that this is a request to rezone from A-1 to PCD on 6.04 acres. The preliminary site plan indicates that the project will contain a total proposed building area of 48,000 square feet, which will allow for those uses permitted under the M1-A (Very Light Industrial) District.

Mrs. Williams further stated that the subject site is located 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 land use

designation has been implemented to encourage and foster growth for the Airport support uses such as retail, light industrial, office and warehouse.

The parcels to the south of the property have an A-1 zoning classification and a HIP-AP Future Land Use Designation. The adjacent parcels to the north have an M-1 zoning classification and an Industrial Future Land Use designation.

The site is located in the City of Sanford water and sewer utility area and will be required to annex into the City in order to connect to public utilities. In recent years, the area has been transitioning from agriculture and residential uses, to more intense industrial and office uses.

Due to the trend of development in the area and its proximity to the airport and major thoroughfares, the proposed development is consistent with the intent of the HIP-AP Future Land Use Designation.

Staff recommends approval of this request subject to the conditions of the Development Order.

The Applicant, Robert Couch, did not make a presentation but stated from the audience that he agreed with Staff's presentation.

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

Michele Harmon of 2830 Beardall Avenue spoke regarding this request and pointed out where her property was on the map. Ms. Harmon advised that one of her concerns is the easement that allows her access to her property. She stated that surveyors came out and put up flags all over the property and she was worried that she would have a problem with access to her property. She further stated that she wondered if she sells her property, would the easement be taken away.

Commissioner Brown advised Ms. Harmon that the easement runs with the land and the Commission cannot do anything to her property that would change the easement.

General discussion ensued regarding how Ms. Harmon acquired the property.

Commissioner Brown advised Ms. Harmon that the subject property would have to annexed into the City of Sanford for utility purposes.

Ms. Harmon advised that she understands that they have to annex, but she has well water and was not annexed into the City and she is worried about the quality of her water.

Commissioner Brown advised Ms. Harmon that the County and St. John's Water Management have stringent requirements for water quality and she shouldn't have a problem.

Ms. Harmon also stated that she is concerned with the types of businesses that might come onto the proposed site because she is worried about the water and any "run off" that might be created from these businesses.

Ms. Harmon further stated that she is also concerned with fencing; the proposed 10 foot area surrounding the site; and the 3 foot hedges that the Applicant is proposing. Regarding the fencing, Ms. Harmon would like to know the type of fencing that will be used as the current fencing is an agricultural type of fence.

The Applicant, Robert Couch, advised that they are proposing shade trees, ornamentals and hedges for the property, but did not have any fencing in their plans at this time.

Mr. Couch further advised that since the property is required to annex into the City of Sanford for the utilities, there shouldn't be any issues with the water quality.

Mr. Couch also stated that any tenants would be required to meet all DEP regulations to protect the groundwater. He also stated that they will not have any floor drains on the proposed site.

Commissioner Brown asked Tina Williamson what the requirements are regarding fencing since the proposed property is adjacent to a residential area.

Tina Williamson, Assistant Planning Manager, advised that due to the fact that the area is zoned A-1 and the Future Land Use is HIP-AP, it is not considered a residential district that is covered under the active/passive buffer standards. She advised that Staff ran the Buffer Model and presented that to the Applicant and they agreed to do the canopy trees, sub-canopy trees and shrubs.

Commissioner Bates asked if the project would have septic at first and then be provided by the City of Sanford once the property has been annexed.

Mr. Couch advised that as far as he knows, sewer will never be available in this area due to some discrepancy between the City of Sanford and the Airport.

Commissioner Bates asked if they will have City water and be on the septic system.

Mr. Couch advised that as far as he knows, yes.

Alison Stettner, Planning Manager, stated that this location is located in the Airport JPA and has been sent to the Airport for their review and comments. She advised that Staff expects comments back by October 31. There is a Joint Planning Agreement we have with the Airport and they are currently reviewing this.

Commissioner Eismann asked Mrs. Stettner if they have the ability to make changes or do they make recommendations to the Board.

Mrs. Stettner stated that they make recommendations to the Board.

Commissioner Eismann stated that he is concerned about the buffering and the property rights of the residential owner. He further stated that he would like to see some type of fencing between the two properties, especially as long as the resident is there.

Mr. Couch advised that they will be happy to install a 6 foot privacy fence along her property to protect her from having to look at their building.

Commissioner Brown stated that this stipulation applies as long as she resides at that location.

Mr. Couch asked if she sells her property prior to the development of the proposed site, would that stipulation go away.

Commissioner Brown advised that it would.

Commissioner Eismann made a motion to recommend approval of this request with the stipulation that a 6 foot privacy fence be installed while the residence is in place and occupied. He further stated that if the adjacent property is sold or rezoned prior to the development, the stipulation would go away.

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

Commissioner Brown asked Alison Stettner if she had anything to address in her Manager's Report and she advised that she did not.

Commissioner Brown confirmed the November 5 at 5:30 p.m. workshop on Chapter 6 and the 7:00 p.m. regular meeting.

Commissioner Eismann made a motion to move the December meeting from December 3, 2008 to December 10, 2008.

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

Commissioner Brown asked Mrs. Stettner if Staff was agreeable to the change.

Mrs. Stettner stated that Staff is fine with the change.

There being no further business, the meeting was adjourned at 7:25 P.M.

Respectfully submitted,

Connie R. DeVasto