

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
NOVEMBER 5, 2008**

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

Members absent: Ben Tucker and Dudley Bates

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Ian Sikonia, Senior Planner, Austin Watkins, Senior Planner, Alan Willis, Planner, Development Review Division, Anthony Nelson, Senior Engineer, Development Review Division, Melissa Clarke, 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 Wolf seconded the motion.

The motion passed unanimously 5 – 0.

Approval of Minutes

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

Commissioner Eismann seconded the motion.

The motion passed unanimously 5 – 0.

NEW BUSINESS:

Technical Review Item:

A. Mossy Oaks Preliminary Subdivision Plan; Timothy W. Schutz, P.E., applicant; approximately 4.70 ± acres; Preliminary Subdivision Plan for 2 lots zoned A-

1 (Agriculture); located on the north side of Grove Avenue, west of Howell Branch Road.

Commissioner Dallari – District 1
Alan Willis, Planner

Alan Willis, Planner, Development Review Division, presented this item to the Commission and stated that the applicant is requesting approval of a Preliminary Subdivision Plan for Mossy Oaks Subdivision. The project consists of 2 lots on approximately 4.70 ± acres. Lot 1 consists of 2.66 acres and Lot 2 consists of 2.04 acres.

Mr. Willis stated that the PSP meets all the conditions of the Seminole County Land Development Code and will be served by well and septic.

Staff recommends approval of the request.

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

Commissioner Day seconded the motion.

The motion passed unanimously 5 – 0.

Public Hearing Items:

B. MGM Industrial Park Rezone; Jack Reynolds, applicant; 5.56 ± acres; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the east side of Richmond Avenue approximately ½ mile south of the intersection of SR 46 and Richmond Avenue. (Z2008-27)

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Ian Sikonia, Senior Planner with the Planning Division, presented this item to the Commission and stated that this is a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 5.56 ± acres, located ½ mile south of the intersection of SR 46 and Richmond Avenue.

Mr. Sikonia stated that the proposed Preliminary Master Plan indicates that the project will contain a total 59,400 square feet (building square footage), divided between six buildings. Office uses are limited to 14,400 square feet and warehouse uses are limited to 45,000 square feet. The applicant is proposing uses from the M-1 (Industrial) zoning districts including outdoor storage.

Mr. Sikonia also stated that the area of Richmond Avenue and East Lake Mary Boulevard is in close proximity to the Orlando/Sanford International Airport and has been assigned the Future Land Use Designation of Higher 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, industrial, and office. In 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 Designation on the property. Mr. Sikonia cited Kentucky Street PCD, Moores Station Road PCD, and the Laura Avenue Rezone as examples of recent rezone applications with all allowed for similar industrial uses.

Mr. Sikonia advised that this site is surrounded by vacant parcels and single-family homes on one acre and larger lots. All surrounding properties have the A-1 zoning classification 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 an office/warehouse complex is consistent with the intent of the HIP-AP Future Land Use.

Staff finds the requested rezone is compatible with the surrounding uses and existing development patterns of the area and recommends approval of the Preliminary Site Plan subject to the conditions of the Development Order.

Jack Reynolds, applicant, stated that he is in agreement with Staff's findings and recommendations and would be happy to answer any questions.

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

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

Commissioner Wolf seconded the motion.

The motion passed unanimously 5 – 0.

C. Bocchicchio Property Rezone; Ronald Morris, applicant; 2.48 ± acres; Rezone from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling District); located on the north side of Gabriella Lane, approximately ½ mile west of the intersection of Tuskawilla Road and Gabriella Lane (Z2008-39)

Commissioner Dallari – District 1
Austin Watkins, Senior Planner

Austin Watkins, Senior Planner with the Planning Division, presented this item and stated that the applicant is requesting to rezone from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling) on approximately 2.48 ± acres, located on the north side of

Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane. The R-1AAAA district requires a minimum lot size of 21,780 square feet and a minimum width at the building line of 100 feet. The Future land Use designation of the subject property is Low Density Residential, which allows the requested zoning district.

Mr. Watkins further stated that the surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1AA, R-1AAA, and R-1AAAA zoning classifications. The predominate zoning classification in the area is the R-1AAAA zoning district. Directly to the west of the subject property is the Autumn Glen Subdivision which is approved at 3.37 dwelling units per buildable acre with a minimum lot size of 5,775 square feet.

Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development code and Policy FLU 2.10 of the Seminole County Vision 2020: Comprehensive Plan and determined that the analysis supports the requested R-1AAAA zoning classification and therefore recommends approval of the request.

Jack Krips of 937 N. Magnolia Drive stated that he and the applicant, Ron Morris, are in agreement with Staff's findings and recommendations and would be happy to answer any questions.

Commissioner Wolf asked if this will be one dwelling or more on the subject property.

Mr. Krips advised that it will be 3 dwellings on 2.5 acres. The minimum lot size would be 23,000 to 43,000 square feet.

Donna Ryan of 4150 Gabriella Lane stated that she and her mother, Frances Glisson, own the 5 acre piece of land directly north of the subject property. They do support the rezoning request; however, their only concern would be the potential water shed from the new development and would like to see this issue addressed before the Commission approves the rezoning.

David Tegeler of 4080 Waterview Loop stated that he is a homeowner in Autumn Glen Subdivision which is directly west of the subject property. Mr. Tegeler presented a map of the area which showed the back of Autumn Glen where he resides, a large area which shows gopher tortoise burrows and the subject property. Mr. Tegeler stated that he gave Austin a petition against this project signed by most of the homeowners whose property will be most affected by this project and that he is also here representing the Autumn Glen Homeowners Association.

Mr. Tegeler pointed out on his map areas which are easements, property owned by the Autumn Glen HOA, conservation areas and retention pond. Mr. Tegeler stated that this area has been zoned agriculture for over 20 years now and feels it is important to maintain the agriculture zoning as most of their property has been taken by other subdivisions such as Talman Mews.

Mr. Tegeler further pointed out that the area behind his lot has become a wildlife sanctuary and feels that this is an important issue that should be considered when making a decision regarding this request. He stated that there have been eagles, ospreys and hawks nesting in this area in the past.

Mr. Tegeler stated that there is also a large area of trees on the west side that might be cut down and they are concerned about this as well. Mr. Tegeler further stated that, given this area has been a 10 acre "block" for over 20 years, the highest and best use is for it to remain zoned agriculture.

Commissioner Brown asked how wide the easement/buffer is between Mr. Tegeler's home and the adjacent property.

Mr. Tegeler stated that it was either 20 or 25 feet, but runs the entire perimeter of the subdivision.

Commissioner Brown asked if there is any vegetation that is the property of Autumn Glen or is that just the drainage area.

Mr. Tegeler stated that there is some, but most is on Mrs. Glisson's property or the subject property.

Commissioner Wolf asked if Mr. Tegeler's opposition was related to the gopher tortoise area or that he wants it to remain vacant land.

Mr. Tegeler stated that they don't want it to remain vacant and would not oppose one house on the subject property and are concerned about the wildlife that currently live there.

Becky Kovaleski of 4120 Gabriella Lane stated that she lives next to the subject lot. She is concerned about the tortoises and has counted 57 burrows. She would like to see all of the tortoises removed before any clearing was done. She would also like to see only one house built on this property, but if there has to be 3, she would like to see a shared driveway.

Ms. Kovaleski further stated that it would be a shame to get rid of the forest as that is where the wildlife lives and it also provides a buffer for her.

Mr. Krips stated that they want to be good neighbors in creating a high quality product. The smallest lot would be in excess of a half acre and the other two would be $\frac{3}{4}$ of an acre. He further stated that the Autumn Glen Subdivision is a high density single-family development with approximately 270 units and their lots are small.

Mr. Krips advised that they are proposing a custom type of product built on one $\frac{1}{2}$ acre lot and two $\frac{3}{4}$ acre lots and does not understand why there is opposition when the

Autumn Glen lots are approximately less than ¼ acre lots. He further advised that they will meet all of the County's criteria.

Mr. Krips stated that they do not intend to destroy the tortoises in anyway. He further stated that the designation they are asking for is the least density in the code other than agricultural which was there originally.

Commissioner Brown asked what the applicant's intentions were regarding the tree line.

Mr. Krips stated that trees are an asset to any setting. They haven't done a full tree assessment. He believes that would be done by the individual owners of the proposed lots so that they can decide what type of trees they would prefer.

Commissioner Wolf asked what their intention was for the trees on the south (the entrance to the property) and the shared driveway.

Mr. Krips stated that it's not a shared driveway. It's a fee-simple ownership from Gabriella for each individual home site. The front lot would have direct access on Gabriella.

Mr. Krips stated that as far as the trees in the front of the area, it would again be up to the owner of that lot to decide what would be best for their property. He further stated that the trees that are presently on the subject property are not a "burden" as far as building on this lot, but it would be ultimately up to the owner of the property.

Commissioner Chase asked what the width of the property was.

Mr. Krips stated that it is 156 feet wide according to the survey.

Commissioner Chase asked what the width of the tree line was because she said it looks like it takes up almost half of the property.

Mr. Krips stated that it's close to half, but some of the vegetation would be considered scrub category. There are a few things that might be usable.

Commissioner Chase asked what the minimum buildable lot size is for this area.

Mr. Watkins stated that it is a minimum of 21,780 square feet for this zoning classification.

Commissioner Chase asked what would the buildable area be after the setbacks are considered.

Mr. Watkins stated that the setbacks are 25' for the front and side street, 10' for the side and 30' for the rear.

Commissioner Eismann asked how they propose to get access to the back two lots.

Mr. Krips stated that on Gabriella Lane, there would be a fee simple 20' strip to each property – each owned by the individual property owners – not shared.

Commissioner Eismann asked if, off Gabriella Lane, there would be three driveways.

Mr. Krips stated that there would be two driveways and typically the lot that fronts Gabriella; they would have a circular driveway or something like that.

Commissioner Chase asked if in the 156 feet wide, there would be at least three entrances.

Mr. Krips stated that it would be 156 feet of width, two 20' driveways, so in effect; you would have a 136 foot wide first lot.

Commissioner Eismann stated that it should be 116 feet of width with the subtraction of 20' for each driveway.

Mr. Krips corrected his statement to reflect that the first lot would have a width of 116 feet.

Commissioner Eismann asked if anyone had a sketch of the property.

Mr. Watkins put up a sketch for informational purposes only.

Commissioner Wolf asked who would make a determination regarding the tortoises.

Mr. Watkins stated that the Development Review Division would have more information on this issue.

Tony Nelson, Senior Engineer with Development Review Division stated that they will be requiring an Endangered Species survey to be submitted by the applicant before this process can be completed.

Commissioner Brown asked if Mr. Nelson could explain what the requirements are regarding the water shed issue that was brought up by Ms. Ryan.

Mr. Nelson stated that they will be requiring stormwater management for the three homes on this site. They will be looking at all the stormwater reports to make sure there will be no run-off onto the adjacent properties.

Commissioner Brown asked if this will be addressed at the Development Review stage.

Mr. Nelson stated that it will be addressed at the Final Engineering stage.

Commissioner Chase asked if there are any buffer requirements since this will be residential flanking another residential area.

Mr. Watkins stated that there are no buffer requirements. He further stated that the Autumn Glen Subdivision is required to provide the 25 foot buffer as part of their PUD agreement.

Commissioner Brown asked if Mr. Watkins knew the density of Autumn Glen.

Mr. Watkins stated that it is 3.73 dwelling units per net buildable acre with a minimum lot size of 5,775 feet.

Commissioner Chase asked if they are allowed one unit per acre since this area is 2.48 acres and zoned A-1.

Mr. Watkins stated that is correct. Under the current zoning, the density is one unit per net buildable acre.

Commissioner Chase asked how this rezone request affects this.

Mr. Watkins stated that the rezone will increase the density and will allow for a smaller width at the building line. He further stated that instead of it being 150 feet under the A-1 zoning, it will be 100 feet under the R1-AAAA zoning.

Commissioner Chase asked if the owner, without the review of the Commission, could put more than one unit on the property as it is.

Mr. Watkins stated that they would need to request a variance to the minimum width at the building line as part of the subdivision process. It is typically something that the County does not allow.

General discussed ensued regarding how the building line is measured and the possible options for the subject property.

Commissioner Chase stated that even though the Commission is discussing three lots, there aren't any conditions placed on the owner to develop the property the way it is being presented at this time.

Mr. Watkins stated that she was correct. The owner could possibly change the plans and build 21,700 square feet lots, but if he did that, he would have to go through the subdivision process with the Development Review Division.

Commissioner Wolf stated that he felt the R-1AAAA is a natural transition for the area.

General discussion ensued regarding Commissioner Chase's concern over the numerous zoning classifications in this area.

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

Commissioner Day seconded the motion.

Commissioners Brown and Eismann stated that they agree this would be the best possible scenario for the area.

The motion passed 4 – 1 with Commissioner Chase voting no.

Commissioner Brown asked Alison Stettner if she had anything to address in her Manager's Report and she reminded the Commission that the December meeting has been changed to December 10 and there will be no workshop prior to that meeting.

There being no further business, the meeting was adjourned at 7:50 P.M.

Respectfully submitted,

Connie R. DeVasto