MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 10, 2008

Members present: Matthew Brown, Walt Eismann, Rob Wolf, Melanie Chase and Dudley Bates.

Members absent: Ben Tucker and Kimberly Day.

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Dori DeBord, Planning and Development Director; Ian Sikonia, Senior Planner; Austin Watkins, Senior Planner; Larry Poliner, Development Review Manager; Development Review Division; Lee Shaffer, Principal 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 Eismann seconded the motion.

The motion passed unanimously 5 – 0.

NEW BUSINESS:

Commissioner Brown stated that a request to withdraw **Item A** has been received and no further Board action is required.

Commissioner Brown stated that requests to continue **Item E** to the February 4, 2009 meeting and **Item G** to the January 7, 2009 meeting have been received.

The Commission voted unanimously to continue these items to the meeting dates requested.

Technical Review Item: None

Public Hearing Items:

B. Slavia Road Rezone; Judy Stewart, applicant; 4.7 ± acres; Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the south side of the intersection of Slavia Road and Red Bug Lake Road. (Z2008-38 / 08SS.05)

Commissioner Dallari - District 1
Ian Sikonia, Senior Planner

Ian Sikonia, Senior Planner with the Planning Division, presented this item to the Commission and stated that the proposed Preliminary Master Plan indicates that the project will contain a total of 60,000 square feet of Commercial/Office space and calls out access points for development which do not meet the minimum requirements of the Seminole County Land Development Code.

Mr. Sikonia stated that Staff has analyzed the proposed access points and recommends denial of the ingress/egress as proposed on the plan. Staff feels that the appropriate access points for this development would be a right-in only on Red Bug Lake Road and a right-in/right-out on Slavia road.

Mr. Sikonia further stated that the area of Red Bug Lake Road and Slavia Road has in the past ten years been transitioning to one of the major commercial and office corridors in Seminole County. The trend of development in the area is the conversion of commercial and office developments due to the proximity of SR 417 and the Oviedo Marketplace. The other approved PUD/PCD's in the area which reflect these trends are the CA Stone West PUD, CA Stone East PUD, and the CA Stone PUD. The previously stated PUD/PCD developments have all allowed similar uses (OP & C-1) as the proposed Slavia Road PUD.

Mr. Sikonia advised that the subject property is adjacent to PUD zoning and PD Future Land Use on three sides. The property to the west contains the A-1 (Agriculture) zoning district and the Low Density Residential Future Land use designation.

Mr. Sikonia stated that Staff finds the requested uses are compatible, however; the proposed ingress/egress access points do not meet the minimum requirements of the Land Development Code. Staff would support the Land Use Amendment and Rezone if

the access points would be a right-in on Red Bug Lake Road and a right-in/right-out onto Slavia Road.

Staff recommends denial of this request.

Judy Stewart, Manager of Planning for Dave Schmidt Planning, showed an aerial of the subject property on Red Bug Lake Road taken in 1987. Ms. Stewart pointed out the owner's driveway and stated that when the County began widening Red Bug Lake Road, portion of the owner's property was taken, including his access to Red Bug Lake Road.

Ms. Stewart showed a display of crash summaries for the intersections of Red Bug Lake Road and Tuskawilla and Mitchell Hammock and 434. Ms. Stewart stated that these areas have similar access points from the developments on either side of them and as the studies show, have had minimal crashes at these intersections.

Ms. Stewart further stated that they are asking for approval of their access points as set forth in the staff report.

Commissioner Wolf asked if the intersections Ms. Stewart showed on the crash summaries were similar in nature to the intersection near the subject property.

Ms. Stewart stated that the intersection of Red Bug Lake Road and Slavia Road is not nearly the major intersection as the two shown on the crash summaries. She further stated that the type of access points that they are requesting already exist at the two major intersections shown on the summaries and since Red Bug Lake Road and Slavia Road is not nearly the major intersection as the other two, there should be less issues with the requested access points.

Commissioner Wolf asked if she was referring to the intersections in general or the results of the actual ingress/egress in those areas.

Ms. Stewart stated that it's a complex intersection; not that it is similar in design to the other two intersections.

Commissioner Brown asked if her displays showed entrances that do not meet County standards.

Ms. Stewart stated yes.

Commissioner Brown asked if Staff wants right-in/right-out off Red Bug Lake Road and right-out only off Slavia and the Applicant wants left-out and right-out on Slavia.

Ms. Stewart advised that they are requesting left-out and right-out on Slavia.

Mr. Sikonia stated that the County wants right-in only on Red Bug and right-in/right-out on Slavia.

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

Commissioner Wolf asked what is it about the right-out near this intersection that makes it so dangerous.

Lee Shaffer with Development Review Division stated that according to the code and the uniqueness of this property, they do not meet the requirements to have any access because of proximity to the intersection. Mr. Shaffer further stated that Staff got with Public Works and came up with a reasonable access solution while keeping safety in mind.

Mr. Shaffer described the lanes on Red Bug and advised that there is a right turn only lane onto Slavia in front of the proposed property.

Commissioner Wolf asked if the right turn only lane would be the lane that the Applicants would be exiting on.

Mr. Shaffer stated that is was and that is why Staff has a problem with the request.

Commissioner Wolf asked, since this property does not meet code, if Staff worked to find a safe alternative to the Applicant's request.

Mr. Shaffer advised that Staff is suggesting a safer solution to the Applicant's request.

Commissioner Wolf asked if the right turn only lane is heading eastbound on Red Bug.

Mr. Shaffer advised that is was.

Commissioner Brown stated that if there is a right-only turn onto Slavia, that would mean that if a person wanted to go towards the Oviedo Marketplace, they would have to make a U-turn, possibly into the 7-11 parking lot and that might be a burden on another property owner as well as a safety hazard.

Mr. Shaffer stated that coming westbound on Slavia (to turn westbound on Red Bug); there is a double left turn; which is why Staff recommended a right-in/right-out only on Slavia.

General discussion ensued regarding the safety issues.

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

Commissioner Bates seconded the motion.

The motion to deny passed unanimously 5 – 0.

C. <u>Champion Steel PCD Rezone</u>; Ellison Marsil, applicant: 9.47 ± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located on the west side of Richmond Avenue approximately ½ mile south of the intersection of SR 46 and Richmond Avenue. (Z2008-30)

Commissioner Carey – District 5
Austin Watkins, Senior Planner

Austin Watkins presented this item and stated that the Applicant is requesting a rezone to develop a four-building steel manufacturing complex. The applicant is proposing a total of 106,200 square feet of manufacturing uses and 8,675 square feet of associated office uses. The proposed uses are those uses allowed within the M-1A (Very Light Industrial) zoning classification and outside storage with the following exclusions; laundry and dry cleaning, post offices, restaurants, out-patient medical clinics, public and private utility plants, and stations and distribution offices. The outside storage must be screened from adjacent properties and public right-of-ways.

Mr. Watkins further stated that the assigned Future Land Use (FLU) designation of the property is HIP-AP (Higher Intensity Planned – Airport). The proposed PCD zoning classification is an allowable zoning classification in the HIP-AP FLU. Further, the HIP-AP FLU allows for industrial parks and office complexes, which is consistent with the requested uses and Preliminary Site Plan.

Staff recommends approval of this request.

Mike Cash, Engineer representing the Applicant, stated that he does not have a presentation but would be happy to answer any questions.

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

Treena Kaye of 2700 Richmond Avenue advised the Commission that she has lived in this area since 1979 and from her kitchen, she can see the pasture that Champion Steel wants to put a steel manufacturing business on.

Ms. Kaye stated that she moved to this area to enjoy a rural lifestyle. She has a lot of wildlife around her which she enjoys as well. Ms. Kaye was disappointed that no one from Champion Steel made an attempt to contact her to discuss their plans. She understands that the County changed the Future Land Use designation of the surrounding area and she would like to meet with everyone to come up with a plan that would be agreeable with all parties.

Ms. Kaye further stated that this request is not compatible with the surrounding residential area and she is concerned about the type of buffering Champion Steel is proposing.

Ellison Marsil, Applicant, stated that the property has been set up in phases at the County's recommendation so that in a future time, they would not have to go back through the rezoning process again.

Mr. Marsil stated that phase one of the property has a 50,000 square foot building on it and is on the opposite side of the property from Ms. Kaye. The other phases of the property will be developed at a later date.

Mr. Marsil further stated that the only thing that would be on her side of the property would be a retention pond. They are not planning to disturb any of the natural buffers that are adjacent to her property at this time.

Commissioner Brown asked what the proposed operation would be.

Mr. Marsil stated that they will take raw material and turn it into a fabricated item. He further stated that the building is enclosed and they will have some outside storage out back of the building, but mostly to the opposite side of the building.

Commissioner Wolf asked the Applicant what would be their hours of operation.

Mr. Marsil stated that the typical hours of operation for the fabrication shop would be from 7:30 a.m. to 3:30 p.m. They can be extended to 5:30 in the afternoon if needed. They normally work 5 to 6 days per week. The office hours are from 8:00 a.m. to 5:00 p.m.

Commissioner Wolf asked if the trees shown on the south of the property will remain.

Mr. Marsil stated that most of the trees are citrus trees and they are planning on keeping the trees as is.

Commissioner Wolf asked if the fabrication work will be done inside the building as it would seem to make a lot of noise.

Mr. Marsil stated that all the work will be done inside the building.

Commissioner Wolf asked Staff if there are any restrictions regarding work hours for this type of project.

Mr. Watkins stated that at this time, there are no limitations in the Development Order but if the Commission would like to add that, it can be included.

Mr. Watkins further stated that in regard to any noise concerns, that would fall under the noise ordinance.

Commissioner Wolf asked if, according to the ordinance, the noise activity must end at 11:00 p.m.

Mr. Watkins stated that he believes commercial noise must end either at 10:00 p.m. or 11:00 p.m.

Commissioner Wolf asked Staff how long this area has had the HIP designation.

Mr. Watkins stated that he was not sure how long.

Alison Stettner, Planning Manager, stated that it has been for over 10 years.

Commissioner Wolf asked, when there is a first major project in an area, is there any transition as far as noise is concerned.

Mr. Watkins stated that this is not the first major project in this area. The MGM Industrial Park, which is across the street from the subject property, was the first project approved by this Commission and will be presented to the Board of County Commissioners on January 13, 2009.

Mr. Watkins further stated that Staff ran the new buffering model and since this property has the A-1 zoning classification and the HIP-AP land use, can recommend a southern, 75 foot setback, a buffer of 15 feet containing 71 understory trees and 208 shrubs.

General discussion ensued regarding the proper way to put some temporary constraints on items presented to the Commission.

Mrs. Stettner advised the Commission that they can make recommendations regarding hours of operation and additional buffering standards if that is the pleasure of the Commission.

Commissioner Wolf stated that, since this is a phased approach, he would like to see an expiration of the restrictions as the property becomes totally industrial in the future.

Mrs. Stettner stated that it would be preferable to Staff to bring out the conditions of approval as part of your recommendation

Commissioner Wolf asked if the Applicant would then have to come back at a later date to have the restrictions removed.

Mrs. Stettner stated that would be the preference of Staff.

General discussion ensued regarding the need for the Applicant to communicate with the surrounding area owners so that there is a better understanding of what is going on.

Commissioner Wolf asked the Applicant if their hours of operation would be only 5 days per week.

Mr. Marsil stated no, it would be 5 to 6 days per week depending on how the construction industry is at the time. He further stated that right now, it could easily be only 2 days per week, but hopefully it will increase as the business increases.

Commissioner Wolf asked if their extended cut-off would be 5:30 at night.

Mr. Marsil stated that is correct, but he would hate to be limited to specific hours if the demand is there.

Commissioner Wolf suggested that it would be beneficial to the Applicants to meet with the owners of the surrounding areas and work out any issues before they go before the Board of County Commissioners.

Mr. Marsil stated that he had spoken with some of the owners, but not Mrs. Kaye. He further stated that they were a month behind another industrial park that has multiple buildings and multiple businesses that is as close to Mrs. Kaye's property as the proposed request and if he had known of any opposition to that project, he certainly would have contacted Mrs. Kaye.

Commissioner Wolf asked what project the Applicant was referring to.

Commissioner Brown advised that it was the MGM Industrial Park.

Commissioner Wolf stated that the proposed project is a steel business which would certainly create more noise than other types of businesses.

Mr. Marsil stated that the development across the street has not been completed and they will be leasing out the property to many different businesses and there is no guarantee that a business wouldn't come in doing the same type of business as the Applicant.

Mr. Marsil further stated that he is developing the proposed property for the sole purpose of conducting his business. The owner of the industrial park across the street is developing the property to lease to several other businesses.

Commissioner Wolf made a motion to recommend approval of this request with the stipulation that the hours of operation do not extend past 8:00 p.m.

Commissioner Eismann seconded the motion.

The motion passed unanimously 5 – 0.

D. <u>Linneal Beach Drive (6259) Rezone</u>; James Palmer, applicant; 1.50 ± acres; Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling); located at 6259 Linneal Beach Drive. (Z2008-31)

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

Austin Watkins presented this item and stated that this item came before the Commission in October and now the Applicant has added additional acreage to their request to include the entire parcel.

Mr. Watkins stated that the Applicant is requesting a rezone from A-1 to R-1AA. The R-1AA zoning classification requires a minimum lot size of 11,700 square feet and a minimum width at the building line of 90 feet. The Future Land Use designation of the subject property is Low Density Residential (LDR) which allows the requested zoning district.

Mr. Watkins further stated that the Seminole County Land Development Code (LDC) requires the application of the Weighted Method for Determining Single-family Residential Compatibility in the Low Density Residential Future Land Use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1383 of the Land Development Code and determined that the analysis supports the requested R-1AA zoning classification.

Staff recommends approval of this request.

Aaron Mercer, who represents Applicant James Palmer, stated that Mr. Palmer owns the property to the north and the 2 lots on the lake. There are 3 homes currently on the property and the Applicant would like to bring this property into conformance.

Mr. Mercer showed a survey of the proposed request and explained what the Applicant wants to do with the parcel. Mr. Mercer stated that the balance of the parcel will be used for access to the north side of the property which is adjacent to the additional property Mr. Palmer owns.

Commissioner Brown asked if the Applicant owns the adjacent property to the north of the subject property and asked Staff to point out the area that was presented at the previous Commission meeting.

Mr. Watkins pointed out the portion of the parcel that was included in the previous request.

Mr. Mercer pointed out the areas that are owned by the Applicant and explained the type of development the Applicant is proposing.

Commissioner Brown asked if the access to the upper piece of property is to the north.

Mr. Mercer stated that it is a dirt road and goes under a power easement and feels that the request is consistent with the area.

No one spoke in favor or opposition from the audience.

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

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

F. **Gunter Village Rezone**; **Gunter Village, LLC, applicant**; 12.20 ± acres; Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development); located north of the intersection of International Parkway and S Metz Avenue. (Z2008-32)

Commissioner Carey - District 5
Austin Watkins, Senior Planner

Austin Watkins presented this item and stated that the subject property was rezoned from A-1 (Agriculture) and PUD on October 24, 2006. The original Gunter Village PUD is a mixed-use development which allows for commercial, retail, office, multi-family and hotel uses. The current entitlements are 274 condominium units; 17 live/work condominiums; 5,020 square feet of restaurant; 16,110 square feet of retail/bank; 72,000 square feet Class A Office space; and a 211 key hotel with 11,000 square feet of conference space.

Mr. Watkins further stated that at this time, the Applicant is requesting a total of 350 multi-family units; no live/work condos; 15,000 square feet for restaurants with a maximum of 600 seats; 40,000 feet of retail; 80,000 square feet of office/bank and a 200 key hotel.

Mr. Watkins stated that the increases in retail and restaurant square footages indicate a 206% increase from the original approval. However, the Applicant has agreed to limit the square footage of the non-target industry uses (retail and restaurant) to no more than 30% of the square footage of the target industry uses (office, hotel and bank). The final square footage allocation, building layout and site design will occur at the time of Final master Plan approval if approved by the Commission.

The uses requested in the new PUD are as follows: multi-family dwelling units (excluding home occupations); office uses (per the OP zoning classification); hotel with conference space; and commercial uses (per the C-1 zoning classification, excluding veterinary clinics and funeral homes). The Applicant is also requesting a maximum building height of 110 feet for the site. To buffer this more intensive maximum building

height, the Applicant is committing to a 5-story or 60 foot maximum building height for the western portion of the development. The 5-story limitation would apply from the property line to 200 feet eastward.

Staff recommends approval of this request.

Jonathan Martin with Kimley-Horn, represents the Applicants and advised that he will be happy to answer any questions the Commission might have.

Commissioner Wolf asked Mr. Martin what was the "wedge" piece of property to the north on the map.

Mr. Martin advised that it is a remnant parcel and might be used as a park at a later date.

Commissioner Wolf asked if the remnant piece of property would be developed.

Mr. Martin advised that this piece of property is not included in the request before the Commission at this time.

Commissioner Chase asked if this item had been back to the Commission since 2006.

Mr. Martin advised that it had come before the Commission in 2006 and with the economy as it is today, the Applicants are taking a step back and restructuring the entitlements.

Commissioner Wolf asked if there is any flexibility with the mixed use percentages.

Mr. Martin stated that they do have flexibility to a point and that will be handled at the Final Master Plan stage.

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.

Approval of the 2009 meeting dates:

Commissioner Bates made a motion to approve the 2009 meeting dates as listed.

Commissioner Chase 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 has no further business.

General discussion ensued regarding the legality of discussing items by the Commission prior to the actual presentation of the items.

Kathleen Furey-Tran, Assistant County Attorney, advised the Commission that they should save their discussion of these items for when it is presented to them and base their input on the evidence as it is presented.

General discussion regarding the fact that the Commissioners might have some suggestions or input that could benefit the Applicants, like with the two items that were continued tonight.

Mrs. Furey-Tran advised that it would not be proper for the Commissioners to have any discussion prior to the presentation of the item and if they have been contacted by anyone outside of the meeting, they should bring that discussion up at the meeting where the item will be presented.

Mrs. Furey-Tran further advised that if the Commissioners wanted to discuss an item or items outside of the regular meeting, they should schedule a workshop which will have to be advertized as a public meeting.

Commissioner Chase asked Mrs. Furey-Tran if she was basing her opinion on the Sunshine Law.

Mrs. Furey-Tran advised that the Sunshine Law also includes that they are not to discuss matters that will affect their decisions outside of this forum.

Commissioner Chase asked Mrs. Furey-Tran to send her something that shows the Commissioners should not discuss issues with people other than the Commission members at the public meeting.

Mrs. Furey-Tran advised that she will.

Commissioner Chase asked if the Board of County Commissioners speak to their constituents outside of their meeting.

Mrs. Furey-Tran advised that they do and that is why they should mention any discussions that took place outside of the meeting which helps form the basis for their opinion and would show on the record that there was sufficient evidence to support their decision.

Commissioner Wolf stated that they do ride by the properties and sometimes speak to the neighbors to help gather more information that might not be included in the Staff report.

Mrs. Furey-Tran stated that the County cannot prevent them from doing that but it might be problematic on appeal. She further stated that any Sunshine Law violations are totally up to the Commission members as individuals.

Commissioner Brown stated that the members should protect themselves from the Sunshine Law.

There being no further business, the meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Connie R. DeVasto