

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
MARCH 4, 2009**

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

Members absent: Ben Tucker.

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Dori DeBord, Planning and Development Director; Austin Watkins, Senior Planner; Ian Sikonia, Senior Planner; Joy Williams, Planner; 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 Eismann 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 Brown made a motion to accept the Proof of Publication.

Commissioner Bates seconded the motion.

The motion passed unanimously 6 – 0.

Approval of Minutes

Commissioner Brown made a motion to approve the minutes as submitted.

Commissioner Wolf seconded the motion.

The motion passed unanimously 6 – 0.

Technical Review Item: None

Continued Item:

A. Mathews Rd Storage Small Scale Land Use Amendment and Rezone; Hugh Harling, Applicant; 7.45 ± acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and Rezone from the A-1 (Agriculture) to the C-3 (General Commercial and Wholesale) district; located at the southwest corner of Oaklondo Drive and Mathews Road. (Z2008-54 / 08SS.07)

District 3 – Van der Weide
Austin Watkins, Senior Planning

Commissioner Chase – advised the Commission that, since she was absent at last month’s meeting, she has reviewed the video, visited the property, spoke to all parties from both sides and did research on whether she should abstain from voting on this issue.

Having read the Statutes on when a Commissioner should or can abstain and due to the fact that she does not have any business interest in the item and will not gain or lose from the outcome of this item, she will be voting on this item and will not abstain.

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

Commissioner Brown seconded the motion.

Commissioner Chase – when she reviewed the video, she got the impression that most of the Commissioners, if not all, seemed to have a problem with the lack of adequate buffering against the Spring Valley Subdivision.

Commissioner Brown – stated that there are lighting issues in addition to the 100 foot buffer issue. The Future Land Use of this property is Low Density Residential but it could become Medium Density Residential. The City of Altamonte Springs’ plan with Gateway Drive; which is on the other side of Adult Toy Storage, is going to be developed in an office or retail type of setting and they will not be encouraging industrial uses within the city in that area.

To develop this property, the Applicant will have to go into Altamonte city water.

Austin Watkins – the site is located in “unclaimed” water and utilities service area. If this item is approved, one of the utility providers would have to claim that area.

Alison Stettner – has spoken to Altamonte city staff and they have advised that they will serve this area in the future.

Commissioner Brown – does not believe the industrial zoning is appropriate. If it was going to be industrial, then the Planned Development would at least give you a way to address the issues.

The homes that surround this area, Trailwood being impacted even more than Variety Tree Circle, are above 75% homestead and are established neighborhoods.

The motion to deny passed 4 – 2 with Commissioners Eismann and Chase voting no.

Public Hearing Items:

B. Monroe Office Park Rezone; Garth Schweizer, Applicant; 1.60 ± acres; rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located at the northwest corner of the intersection of Monroe Road and Church Street. (Z2008-65)

District 5 - Carey
Austin Watkins, Senior Planner

Austin Watkins, Planning Division – the Applicant is requesting a rezone from A-1 to PUD to develop a 9,336 square foot office park with a 108 seat/2,296 square foot sit-down restaurant. The Applicant is proposing the following uses: those uses permitted in the OP zoning classification of the Seminole County Land Development Code plus sit-down restaurants. The following uses shall be prohibited: Daycares, Churches, Schools and Adult Living Facilities.

The subject property is assigned the Higher Intensity Planned – Target Industry Future Land Use designation. The requested uses of those uses permitted in the OP zoning classification, with the above listed exclusions, are consistent with the Seminole County Comprehensive Plan, Target Industry Uses. Further, the proposed 108 seat/2,296 square foot restaurant is consistent with the Comprehensive Plan Policy FLU 5.8 North I-4 Corridor HIP-TI Permitted Uses and Locational Standards by being a “use supportive of the Target Industry and which is located either within a principal office structure or on-site within walking distance of the Target Industry and occupying a lesser square footage than the Target Industry.”

The Applicant proposes to design the site, structures, and accessory details in accordance with the Florida Green Building Coalition Green Commercial Building standards. The Applicant is proposing numerous “green” building features.

The Applicant is requesting a parking waiver pursuant to Section 30.451(f)(2) of the Seminole County Land Development Code. The Applicant is requesting a waiver from a minimum of 112 parking stalls to 103 parking stalls and a reduction in the size of the

stalls from 10 x 20 to 9 x 18. Staff has reviewed the parking waiver request and finds that proposal justifies the parking waiver for the following reasons:

- FGBC Green Commercial Building Standards allows one credit if the parking of the site does not exceed the parking requirements of the local jurisdiction.
- The Applicant proposes to reduce the total square footage of the parking stalls by 5,714 square feet, which is consistent with FGBC principles.
- The Applicant proposes to construct all parking stalls using a pervious material, which will increase the SRI index and assist with on-site stormwater.
- The Applicant proposes to construct all impervious areas using materials with an SRI index of 29 or higher, which will reduce the heat-island effect for this site.
- The Applicant proposes to retain fourteen (14) on-site existing trees and use drought tolerant, Florida native plant species for at least fifty percent (50%) of the site.
- The parking stalls for restaurant and office use allows for a sharing of parking stalls between the varying uses. The office and restaurant uses have different peak hours for parking.
- The Seminole County Land Development Code allows for office complexes exceeding 10,000 square feet providing one parking stall for each two hundred and fifty (250) square feet of office. The proposed development is 9,366 square feet of office, therefore 634 square feet short of the requirement in the Land Development Code.
- Shared parking may be utilized with existing, adjacent developed properties.

Staff recommends approval of this request.

Commissioner Wolf – asked if it was normal to reduce both the number of parking stalls as well as the size of the parking stalls?

Mr. Watkins – stated that it depends on the development. Most who have received parking waivers have first reduced the number of stalls and then the size of the stalls. The Applicant chose to reduce the number of stalls based on the requirement of 10,000 square feet for the office complex and they are about 600 square feet short of that.

Commissioner Wolf – would they still be able to have the 10 x 20 spaces and meet code for that lower square footage threshold?

Mr. Watkins – yes they can do 10 x 20 spaces. The Applicant asked for the 9 x 18 spaces to keep in with the overall character of the development being a green building.

Commissioner Brown – if the Applicant did 10 x 20 spaces as drawn, would they fit and still have the green space?

Commissioner Wolf – because they are over 600 feet over the threshold, if they did the 10 x 20, they would meet the next lower threshold given the square footage.

Mr. Watkins – advised he was not sure if the site could be engineered for 10 x 20 parking spaces. However, it saves about 5,714 square feet of pavement by using the 9 x 18 spaces and the reduced number of parking stalls versus meeting our Land Development Code as it currently is.

Tom Callen, Attorney – represents Applicant, Garth Schweizer and advised that this was part of an eminent domain action on Monroe Road. The purpose of the PUD is to determine how the remainder of the area can be developed.

The parking spaces will be certified as a “green” facility by the State of Florida which encourages less asphalt and less parking spaces.

No one spoke in favor or opposition from the audience.

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

Commissioner Day seconded the motion.

The motion passed unanimously 6 – 0.

C. Markham Wood Road (1650) Rezone; Marjorie Chalfant, Applicant; 5 ± acres; Rezone from RC-1 (Country Homes) to A-1 (Agriculture) district; located on the west side of Markham Woods Road approximately ½ mile north of E.E Williamson Road. (Z2008-67)

District 5 - Carey
Joy Williams, Planner

Joy Williams, Planning Division - the Applicant is requesting a rezone from RC-1 to A-1 to allow for those uses permitted under the A-1 zoning district. The property has a future land use designation of Suburban Estates which does allow for the RC-1 zoning district.

The site currently consists of a single family residence, a guest house, and a horse barn.

The A-1 zoning district permits uses such as Single Family Residences, grazing and pasturing of animals, stables, barns, sheds, and other similar uses; as well as conditional uses that require a special exception approval, such as riding stables, kennels, & plant nurseries.

The adjacent properties to the north, west, and east have an A-1 zoning classification, and the property to the south is zoned RC-1, all of which have a (SE) Future Land Use designation.

Staff finds that the requested A-1 zoning district is compatible with the surrounding land use patterns.

Staff recommends approval of the request

Commissioner Wolf – on the RC-1 property, three sides of it are currently A-1, correct?

Mrs. Williams – yes

Commissioner Wolf – are the A-1 property currently residences?

Mrs. Williams – correct, they are within the Wingfield subdivision.

Applicant was not present at this time.

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

Mark Brown – is a resident of Wingfield Reserve and opposes this request as it will be very disruptive to their neighborhood. It would also directly impact the values of the surrounding homes.

Commissioner Wolf – asked if the property to the north which is zoned A-1, is covered under the Homeowners Association?

Mr. Brown – pointed out his house and advised that it is covered by the HOA and must abide by all the restrictions and covenants of the HOA.

Mrs. Williams – stated that all of those homes are platted parcels, are A-1 and fall under the regulations of the Homeowners Association.

Lynn Vouis, Attorney – represents Mr. Brown and Mr. and Mrs. Wilson and stated that their properties directly abut the subject property. If the Commission does not consider the uses in the neighborhood, a permitted use under A-1 would be something that is not compatible and very detrimental. This is not compatible with the Future Land Use of Suburban Estates either.

Commissioner Brown – deed restrictions are not enforced by the County. They are only enforced by the adjoining homeowners or the HOA, is that correct?

Ms. Vouis – that is correct.

Tom Wilson – lives in Wingfield and his property is on the west side of the proposed property. He believes the number of horses on her property exceeds the usage allowed. Stated he believes the Applicant is running a commercial business out of her

home. He said the property is currently for sale. He believes this will impact the property values if approved.

Paul Hinckley, Attorney – represents the Wingfield Reserve HOA and opposes this request. The change in zoning would not be compatible for the surrounding area. The access points are not appropriate and traffic should be for residential use only. When the easement was granted, it was supposed to be used for the owners only. If the zoning is changed, other people will be using the easement as well.

Michael Melton – stated he owns 5+ acres to the south of this property and the whole area is surrounded by homes. He stated that in the Applicant's advertisement for the sale of her property, she has an entrance shown that will come through his property. She has a horse jumping arena and doesn't like the smell of the horses and is very opposed to the request.

Commissioner Brown – asked if the Applicant has another easement other than the one that comes through Wingfield?

Mrs. Williams – advised that she does and then pointed out the easement.

Commissioner Brown – asked if the Applicant uses the Markham Woods entrance or does she use Mr. Melton's easement?

Mr. Melton – she does not use his.

The Applicant and her representative arrived.

Jeffrey Hensley, Attorney – spoke on behalf of the Applicant and stated that when Ms. Chalfant purchased this property, it was a rundown eyesore. She made numerous improvements to this property.

This piece of land has been a home for equestrian users for as long as can be remembered. It has also been a commercial property since it was platted. The Applicant is not trying to zone it commercial, it is commercial. The guidelines of the law state that she can own horses.

Ms. Chalfant now works in the Tampa area and needs to sell this property. However, anyone who would be interested in purchasing her property would be faced with the same harassment and complaints that she has had over the last several years.

Marjorie Chalfant, Applicant – gave a history of the types of complaints she has been receiving since she purchased this property. She stated that if her property is rezoned to A-1, it should stop most of the complaints and she advised that there will be no change in the use of this property if it is rezoned.

Commissioner Brown – asked Ms. Chalfant if she has a fee simple deeded property that goes to Markham Woods Road or if it's an easement over someone else's property?

Ms. Chalfant – advised that there are three easements to the property.

Commissioner Brown – asked Ms. Chalfant, on the northeast corner, is it an easement or does she have deeded property that goes to Markham Woods Road?

Ms. Chalfant - it is an easement and it is solely for the use of access to and from the property.

Commissioner Brown – asked if Ms. Chalfant owned the property going to Wingfield Drive.

Ms. Chalfant – yes, she owns the property.

Commissioner Wolf – stated that when he looks at the plot, it looks like A-1 is surrounding the property; but when he looks at the photograph, it looks like R1-AAAA type homes. So when there are R1-AAAA type homes, can it still remain agriculture? Does it switch? Also, when a compatibility analysis is done, do you just look at a piece of paper and the A-1 zoning, or do you actually take into account what is actually built there?

Mrs. Williams – Staff has to look at what the Future Land Use allows for and the surrounding zoning. The Wingfield subdivision is a deed restricted neighborhood; therefore even though they have the A-1 zoning, they can't technically have some of the uses that an A-1 zoning would allow.

Commissioner Wolf – so it doesn't automatically switch?

Mrs. Williams – no, it does not.

Commissioner Wolf – so when Staff does the compatibility analysis, is it done as an A-1 or what is actually there?

Mrs. Williams – Staff has to look at the zoning and the Future Land Use.

Commissioner Chase – asked Staff how this particular piece of property was excluded from the A-1 zoning?

Mrs. Williams – when the development was created, they did exclude this parcel from the plat itself.

Commissioner Chase – when it is platted, it doesn't change?

Mrs. Williams – no, as long as it meets the zoning regulations.

Commissioner Wolf – in looking at the existing RC-1, it states that the keeping of horses and ponies is permitted with a special exception, is that correct?

Alison Stettner, Planning Manager – yes, that is correct.

Commissioner Brown – the horses would be for personal use only. Under A-1, a person could ask for a special exception for commercial use, is that correct?

Mrs. Williams – under A-1, you would have to get approval, via a special exception, for a riding stable. However, under A-1 you can have barns for personal use.

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

This motion died for lack of a second.

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

Commissioner Day seconded the motion.

General discussion ensued regarding the different zonings in this area and the areas that are deed restricted.

The motion passed unanimously 6 – 0.

D. Stockbridge PUD Major Amendment (Tract 7 & a portion of Tract 5); Congregation Beth AM Inc. / Steve Mellich, Applicants; 1.54 ± acres; Major Amendment to the Stockbridge PUD for Tract 7 and a portion of Tract 5, located at the intersection of N. Line Drive and Sand Lake Road. (Z2008-42)

District 3 - Van Der Weide
Joy Williams, Planner

Joy Williams, Planning Division - The Applicant is requesting the Major Amendment to allow for a change in location of the access point, along with modifications to the setback and buffering along the east side of the property.

The Stockbridge PUD was approved in 1983, consisting of 7 tracts, primarily residential and recreational, with two tracts being designated for professional office and residential professional uses.

The approved DCA states that Tract 7 will have only one access point from Sand Lake Road. Due to a progressing change in the traffic patterns, the Applicant proposes to relocate the access from Sand Lake Road to North Line Drive. The request has been

reviewed and supported by the Development Review Manager. The amendment also includes a modification to the active/passive buffer and setback design standards along the east side of the property, which is adjacent to a residential neighborhood. The modification would include a setback reduction from 25 feet to 23 feet to allow for a portable classroom, and a landscaped buffer reduction from 25 feet to 15 feet along the existing parking area.

Staff finds that the proposed access relocation is compatible for the site and the adjacent local roads providing better traffic flow and access to the site. Staff also finds that the proposed setback and buffer modification does not adversely affect the residential property to the east since the existing buffer has been in place for several years and the setback reduction is not substantial.

Staff recommends approval of the request.

Commissioner Wolf – do all portable classrooms meet the same hurricane standards as the surrounding houses?

Mrs. Williams – yes, they have to meet all the standards required by the Building Code.

Steve Mellich – represents the owners and stated that this request is to relocate the existing access going off of Sand Lake and align it with Line Drive. The portable classroom already exists on the property, just not in its proposed location. The relocation of the access point off of Sand Lake onto Line Drive would require the Applicants to relocate the portable classroom to its proposed location; which is exactly 23 feet 1 inch away from the existing building which in turn, will require them to get a setback waiver. With the relocated access point the classroom in its current location would interfere with safe and adequate access to the existing parking lot.

The Applicants agree with Staff recommendations and would be happy to answer any questions.

No one spoke in favor or opposition to this request from the audience.

Commissioner Brown – asked Staff if the County owns half of Line Drive and is it permissible to put a driveway on Line Drive?

Lee Shaffer, Principal Engineer, Development Review Division – the center of Line Drive is the County line and Seminole County has the maintenance and permitting even though Orange County is across the street.

Commissioner Wolf – asked if there will be a noise issue since this classroom is located within 23 feet of a residential area?

Mrs. Williams - with the proposed active/passive buffering, the setback of 23 feet, and the side that faces the east property line is a passive side, noise should not be an issue.

Commissioner Brown – asked if the parking lot was going to be resurfaced and would there be a sufficient number of parking spaces available for the church?

Mrs. Williams – yes, there will be.

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

Commissioner Bates seconded the motion.

The motion passed unanimously 6 – 0.

E. Plumosa Avenue (525) Rezone; Nathaniel Weaver/Thomas McKeon, Applicants; 0.20 ± acres; Rezone from R-2 (One & Two Family Dwelling) to RP (Residential Professional) district; located approximately 100 feet east from the intersection of S. Ronald Regan Boulevard and Plumosa Avenue. (Z2008-58)

District 4 - Henley
Joy Williams, Planner

Joy Williams, Planning Division – the Applicant proposes to convert an existing 920 square foot single-family residence into an accounting office. The office will operate under two employees; and the proposed hours of operation will be from 9 A.M. – 5 P.M. Monday thru Friday. Due to the nature of the business, the Applicant does not anticipate any additional increase in traffic that would otherwise be generated by a single family dwelling.

The Applicant proposes a 5-foot landscaped buffer along the perimeter of the property in addition to a 6-foot high wood privacy fence, in order to minimize any adverse impacts on the adjacent property owners.

The subject property has a Medium Density Residential Future Land Use which allows for the RP zoning district.

The property to the north has an Industrial Future Land Use designation with an M-1 (Industrial) zoning classification. The properties to the west, south, and east, have a Medium Density Residential (MDR) Future Land Use, with R-1 and R-2 zoning classifications. Staff finds the requested zoning district of RP to be compatible with the surrounding development patterns of the area.

Staff recommends approval of the request

Nathaniel Weaver, Applicant – stated that this area is becoming increasingly less useful for residential use and therefore is proposing to use this area for his office. He agrees with Staff findings and would be happy to answer any questions.

No one spoke in opposition to this request from the audience.

Christine Watkins – stated that she will be a neighbor of the Applicant if this item is approved and is not in opposition to this request as long as the change is gradual.

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

Commissioner Bates seconded the motion.

The motion passed unanimously 6 – 0.

F. Anchor Road SSLUA and Rezone; William Kreuter, Applicant; 6.8 ± acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and Rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development); located at the northwest corner of Anchor Road and Merritt Road. (Z2008-17 / 06-08SS.01)

Commissioner Henley – District 4
Ian Sikonia, Senior Planner

Ian Sikonia, Planning Division - the Applicant, William Kreuter, is requesting a rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) in order to develop a light industrial development. The proposed uses of the development are those permitted in the C-3 zoning district which allows for General Commercial and Wholesale uses.

The proposed Preliminary Master Plan indicates that the project will contain a maximum of 118,932 square feet of General Commercial and Wholesale space. The proposed Preliminary Master Plan is requesting two access points onto Anchor Road and one on Merritt Street. The Applicant is also proposing to utilize a multi-disciplinary approach to deterring criminal behavior through environmental design called Crime Prevention Through Environmental Design Standards (CPTED).

The area of Anchor Road between 17-92 and CR 426 has been transitioning to an industrial area of Seminole County since the 1970's. A majority of the existing industrial developments along Anchor Road were constructed during the 1970's and early 1980's establishing this area as industrial for about thirty years. The existing industrial developments have the zoning district of M-1 (Industrial) which allows for more intense uses than the proposed C-3 (General Commercial & Wholesale). The C-3 zoning district is the least intense industrial zoning district which allows light industrial uses. The location of the subject property allows for industrial businesses to move goods more efficiently due to the proximity of several major thoroughfares nearby such as SR 436, US 17-92, and CR 426. The surrounding properties consist of existing industrial

developments with industrial zoning to the east and north. The properties to the west and south are residential subdivisions.

The Seminole County Comprehensive Plan addresses compatibility for residential zoning next to industrial which the Applicant is applying to the Preliminary Master Plan through increased buffering. The Applicant is committed to applying Crime Prevention Through Environmental Design (CPTED) standards to his site.

Staff recommends approval of the request.

Commissioner Wolf – did the Applicant volunteer to use the CPTED standards or was this required by the County?

Mr. Sikonia – they volunteered to use it.

General discussion ensued regarding the CPTED standards.

John Herbert, Engineer – stated that this is a transitional area which is why they are making this request. They do not have any user for the property yet so the Preliminary Master Plan is more of a “bubble” plan at this time.

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

Andrew Elliott – stated he lives directly behind the subject property on Selena Drive and wants to know how tall of a fence and what type of fence will they be putting on this property?

Mr. Sikonia – stated that the Applicant is proposing a 6 foot high chain link fence on the west side of the property.

Commissioner Wolf – asked the Applicant what the financial impacts would be by following the CPTED standards?

Mr. Herbert – stated that he believed it to be approximately the same with non CPTED projects. A chain link fence is cheaper than a masonry wall, but the masonry wall does not provide the security issues that they are looking for. Their buffering will be from plantings, not a wall.

Christine Watkins – asked what was on the west side of the property?

Commissioner Brown – it’s residential.

Christine Watkins – stated that there is a viable community in there with over 100 homes and just can’t see how a chain link fence would be an adequate buffer. She understands the concept of the chain link fence for visibility purposes, but cannot understand how it would be considered an adequate buffer.

Commissioner Eismann – asked if there was any other buffering in addition to the six foot fence?

Mr. Sikonia – on the west side, there is a 60 foot buffer and setback and the chain link fence.

Commissioner Wolf – does the 60 foot buffer include the retention pond?

Mr. Sikonia – it would be a dry retention pond with landscaping surrounding it.

Commissioner Eismann – so there is a 60 foot pond (buffer) between the fence and the actual development.

Commissioner Wolf – since most homeowners would expect a wall between their neighborhood and a commercial property; did the County speak with the residents to get any feedback from them regarding the chain link fence or to discuss the possibility of having a balance between landscaping and the fence?

Mr. Sikonia – the County did not approach the residents. The developer has approached the Sheriff's Office and they support the proposed chain link fence in that location.

Commissioner Wolf – given the sensitivity of this, he believes there should also be a residential interface with Staff so that the residents can be a part of the CPTED process.

Lora Argro – stated she lives on Selena Drive, which is right behind the proposed property, and is very concerned about the noise level because she believes there should be a wall there, not a chain link fence. The residents should be consulted regarding something that will be going up in their neighborhood and will impact them, especially as far as property taxes are concerned.

Commissioner Eismann – the Board cannot answer questions regarding the taxes. What is being proposed at this time is a 6 foot chain link fence with a 60 foot buffer. Nothing else has been proposed regarding landscaping or trees.

Commissioner Brown – asked, if he was standing on Selena Drive, is there anything, such as stockade fences, that would block him from seeing Ms. Argro's property?

Ms. Argro – no there isn't.

Christine Watkins – she is very concerning about the increased traffic if this project is approved. There are other residential communities in addition to hers that this project would impact. Members of her community meet with the Sheriff's Office every two weeks and she asked if someone could come speak at one of these meetings to inform the community of what is proposed.

Mr. Sikonia – since the Applicant does not know at this time, what type of use will actually be at the proposed property, it would be hard to predict how many users there will be. They are proposing 118,000 but that doesn't mean they will be developing to that extent. A traffic study was not submitted with this application.

David McGregor, Applicant – stated he went door to door to every resident within 500 feet of the proposed project and gave them an invitation to a meeting regarding this project. Only two issues were brought up at this meeting – the first regarding the fact that they are in unincorporated Seminole County but use City of Casselberry water and they did not understand why and the second was regarding a school bus stop and whether it could remain at its current location during development of this project.

He could not address the first issue; but the second issue, regarding the bus stop, he assured the residents that the bus stop could remain at its current location.

They spent over four hours with the Sheriff's Office regarding all of the CPTED standards including type of fencing. The Sheriff's Office is extremely cooperative and the best type of fencing would be a chain link fence so that they can see a person who might jump over the fence.

Commissioner Wolf – asked if Mr. McGregor believes that using the CPTED standards, would decrease the amount of crime in this area?

Mr. McGregor – there are a lot of vagrants in the surrounding woods so the total crime dynamics will change when this area is developed. The City of Casselberry would love to see this project go in there.

There was a traffic study done and the impact would be negligible.

Commissioner Brown – asked if Mr. McGregor owns the industrial park to the east?

Mr. McGregor – no he does not. He pointed out the property that he owns on the overhead map.

Commissioner Brown – asked Mr. McGregor if he had a building that ran the entire length of the property, wouldn't it serve the same purpose as a wall?

Mr. McGregor – yes, that is correct.

General discussion ensued regarding the merits of having a building running the entire length of the property versus having a retention pond and a chain link fence.

Mr. McGregor – advised that there is a shortage of one acre parcels and that was what he was looking for.

Commissioner Wolf – asked Mr. McGregor how the back fence could be changed from a chain link fence to an opaque fence for the neighbors given that it isn't going to be a safe haven for criminals?

Mr. McGregor – the criminal activity didn't just occur on the wooded site. It is up and down Merritt Street.

General discussion ensued regarding putting industrial next to a residential area, using a chain link fence instead of a wall and whether applying the CPTED standards to this project is appropriate.

Commissioner Wolf – asked Staff if there were other options in the CPTED standards, other than just a chain link fence, such as a chain link fence with thorny bushes that will create the same desired barrier?

Mr. Sikonia – the CPTED theory is about visibility; the fact that you can see through it. There are other fences that would be more aesthetically pleasing that would satisfy the visibility comments.

Commissioner Wolf – stated that he thought the fence requirement was due to the fact that people can hop over them. If you have thorny bushes, they wouldn't hop over it as easily.

Mr. Sikonia – there are other alternatives besides the chain link fence that would probably satisfy the CPTED standards.

Commissioner Chase – is the CPTED a requirement?

Mr. Sikonia – no, but the Applicants did volunteer for it.

General discussion ensued regarding the location of the proposed project to a residential property; chain link fences and the recommendation of the Sheriff's Office to follow the CPTED standards; transitional areas; and the back boundary issues.

Mr. Sikonia – in the Development Order, it states that the standards will be agreed to by Seminole County and Staff; that they will utilize these standards and that these standards are for the benefit of the community.

Commissioner Wolf – who will look out for the residents as this moves forward?

Mr. Sikonia – the County will be looking out for everyone's interest regarding safety and aesthetics and he will be looking at it if it comes back.

Commissioner Eismann – it will come back to this Board when a final plan is submitted.

General discussion ensued regarding the chain link fence issue and a possible motion with a stipulation regarding the fence.

Commissioner Chase made a motion to recommend approval of this request with the stipulation that the chain link fence on the west side of the property be changed to a concrete/masonry wall.

Commissioner Wolf seconded the motion.

The motion passed unanimously 6 – 0.

G. Buck Creek SSLUA & Rezone; Dave Axel, Applicant; 5.3± 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 CR 419 approximately ¼ mile east of the intersection of Willingham Road and CR 419. (Z2007-73 / 11-07SS.01)

District 1 - Dallari
Ian Sikonia, Senior Planner

Ian Sikonia, Planning Division - the Applicant is requesting a Rezone and Small Scale Land Use Amendment in order to construct a 36,000 square foot residential office development. Since this parcel is regulated under the Econlockhatchee River Protection Area Overlay standards the proposed permitted uses are split by the 1,100 setback regarding residential and commercial uses. Within the 1,100 foot Econlockhatchee River Corridor Protection Zone the requested rezone will allow all RP zoning uses and special uses, except communication towers. Outside the 1,100 foot Econlockhatchee River Corridor Protection Zone all C-1 zoning uses will be permitted except funeral homes, laundromats, and communication towers.

The area on the south side of CR 419 is a mixture of single-family residential homes and few small commercial and office sites. This property is surrounded on three sides by the municipal boundary of the City of Oviedo. The properties to the east and west are church sites and the property to the south is the Riverside at Twin Rivers residential subdivision.

The Applicant has also designed this project to not only accommodate vehicular traffic, but also bicycle and pedestrian due to the proximity of the Riverside and Sanctuary subdivisions. The proposed uses of this site allows for a better mixture of compatible low density residential and non residential uses in the area. Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area.

Staff has received one email in opposition to this request and a copy of this was handed out to the Board at the beginning of this meeting.

Staff recommends approval of the request.

Dave Axel, Applicant – agrees with Staff findings and recommendations and would be happy to answer any questions.

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

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

Commissioner Bates seconded the motion.

The motion passed unanimously 6 – 0.

Commissioner Wolf – on the south side of the neighborhood, there are some oak trees, with they remain or be removed?

Mr. Axel – on the south side, there is a 25 foot buffer and all trees will remain.

Commissioner Eismann asked Mrs. Stettner if she had anything to address in her Manager's Report and she advised that since we do not have any items scheduled for the April 1 meeting, she would request that the Board cancel the meeting.

Commissioner Bates made a motion to cancel the April 1, 2009 meeting.

Commissioner Brown seconded the motion.

The motion passed unanimously 6 – 0.

Mrs. Stettner – Staff would like to continue with our workshops on the Land Development Code at 5:30 before the May meeting if it is the pleasure of the Board. We would be finishing Chapter 6 and beginning Chapter 7.

It was the consensus of the Board to continue with the Land Development Code workshops at 5:30 p.m. on May 6, 2009.

There being no further business, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Connie R. DeVasto