MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
JUNE 3, 2009

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

Members absent: Ben Tucker and Rob Wolf

Staff present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Sheryl Stolzenberg, Principal Coordinator; Joy Williams, Planner; Jim Potter, Senior Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning 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 5 – 0.

Approval of Minutes

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

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

Technical Review Items – None

Public Hearing Items:

Chairman Eismann took item E out of order to address the Applicant's request to continue:

E. Amendment to the Charter Boundary, the Urban/Rural Boundary and Large Scale Future Land Use Amendment; Buchholz Management LLC, applicant;

REQUEST RECEIVED BY APPLICANT TO CONTINUE - 34.012 ± acres; Amendment to the Urban/Rural Boundary and Large Scale Future Land Use Amendment from Rural-5 to Commercial; located at the intersection of CR 419 and Snowhill Road. (Z2008-64 / 09S.FLU01)

District 1 - Dallari
Tina Williamson, Assistant Planning Manager

Chairman Eismann – advised that a request to continue had been received from the Applicant. He asked if anyone from the audience would like to speak in support or opposition of the request to continue and no one came forward.

Commissioner Brown – asked if this was being rescheduled to a date certain?

Alison Stettner, Planning Manager – stated that if this item will come back during the next Large Scale Amendment cycle which is in 2010.

Commissioner Brown made a motion to continue this item as requested by the applicant.

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

A. **Grand Road (1435) Rezone**; **Michael & June Modreski, applicant**; 2.31 ± acres; Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling); located approximately ¼ mile north of the intersection of Grand Road and Howell Branch Road. (Z2009-04)

District 1 - Dallari
Ian Sikonia, Senior Planner

Joy Williams, Planner – presented this item on behalf of Ian Sikonia and stated that the applicants are requesting approval for a rezone from A-1 to R-1AA.

The R-1AA district 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 for the requested zoning district. The applicants intend to subdivide the property for future development.

The surrounding area has a Low Density Residential Future Land Use designation and is assigned the A-1, PUD, R-1, and R-1A zoning classifications. The adjacent PUD developments to the east and west are equivalent to the R-1B and R-1A minimum lot size requirements. The proposed rezone will provide for a more diverse mixture of compatible low intensity residential zoning classifications in an area which is comprised of single-family home subdivisions.

The applicants were present at the meeting for any questions or comments.

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

Commissioner Bates made a motion to approve this request.

Commissioner Day seconded the motion.

The motion passed unanimously 5 – 0.

B. **Airport Commerce Center Rezone**; **Hugh Harling, applicant**; 7.6 ± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located ¼ mile south of the intersection of E. Lake Mary Boulevard and Beardall Avenue. (Z2008-61)

District 5 – Commissioner Carey
Ian Sikonia, Senior Planner

Joy Williams, Planner – presented this item on behalf of Ian Sikonia and stated that the applicant is requesting a rezone from A-1 to PCD.

The proposed Preliminary Site Plan indicates the project will contain a total of 49,950 square feet of building with those permitted uses in the C-3 and C-2 zoning districts. The applicant is proposing one access point from Beardall Avenue. The Preliminary Site Plan has been designed to accommodate not only automobile traffic, but also pedestrian and non-motorized vehicle access.

The subject property has a Future Lake 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, light industrial and office. This site is surrounded by vacant parcels and single-family homes on one acre and larger lots. The three adjacent parcels to the north, east and west 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 an office/commercial/industrial complex is consistent with the intent of the Future Land Use Designation, allowing for a mixture of compatible uses that will foster growth in the area.

Staff recommends approval of this request.

Hugh Harling, applicant – advised that he agrees with Staff's presentation. He also pointed out that in the design, there is a very deep ditch on the west side of Beardall and they are proposing to set everything back so that if in the future there is a need to widen the road and/or put in a storm drainage system, it can be done without compromising any of the development that they have planned.

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

Bob Hunter – resides on the western boundary of the proposed site and is concerned about the pond that is on the property as well as the fact that there is no drainage on Kentucky Street in the right-of-way. He would like to know if the County is going to revamp the drainage.

Mrs. Williams – advised that at the time of site plan, all of the drainage issues will be addressed. Also, the plans show a proposed retention pond on the west side of the property and this will be addressed at the Engineering review.

Alan Herbst – stated that he owns property on Beardall and pointed out that there aren't any commercial developments near the proposed site and suggested that the applicant build closer to the airport where there are commercial developments.

Mr. Harling – pointed out where the proposed drainage will be and advised that there will be no drainage released on the property other than into the ditch on Beardall.

Commissioner Day – asked if a Phase One has been done to identify any potential wetlands with regard to where the pond is located?

Mr. Harling - stated that there is a small pond located near where building two is shown and as far as he can tell, it is a watering pond for agriculture uses. There are no wetlands on the site per se.

Commissioner Chase made a motion to approve this request.

Commissioner Brown seconded the motion.

Commissioner Brown – referring to the zoning map, stated that Kentucky Street is kind of the "break" spot and the Future Land Use is looking for high intensity planned units along East Lake Mary Boulevard.

The motion passed unanimously 5 – 0.

C. <u>Kentucky Square Large Scale Future Land Use Amendment and Rezone</u>; Hugh Harling, applicant; 27.6 ± acres; Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) and; located at the southwest section of the intersection of Beardall Avenue and Kentucky Street. (Z2008-60/09S.FLU03)

District 5 – Commissioner Carey
Ian Sikonia, Senior Planner

Tina Williamson, Assistant Planning Manager – presented this item on behalf of Ian Sikonia and stated that this is a request for transmittal of a Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development – Airport) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development).

The requested Large Scale Future Land Use Map Amendment would create the potential for airport-related commercial/industrial development and/or a multi-family residential use at a maximum density of 30 dwelling units per net buildable acre. The applicant's PUD zoning request indicates an intent to develop the site as residential with the maximum allowable density in the HIP-AP Future Land Use designation, for a total of 706 multi-family units. Despite the applicant's current intentions, approval of the land use amendment would allow future applications for commercial and/or industrial uses on the property. The subject property is located approximately ¼ mile south of East Lake Mary Boulevard, a new thoroughfare which is expected to encourage urban-intensity development in the area around the Orlando-Sanford International Airport. In addition to its proximity to this major road, the site has been identified as having a potential to support the County's economic development efforts through the SeminoleWay initiative. SeminoleWay's purpose is to create a strategic land use and economic development plan focused on attracting high value/high wage jobs and businesses to the County along the State Road 417 Corridor, including areas near the airport.

The proposed high density residential development will provide for a transitional use between the large lot single family homes to the south surrounding this property and the existing HIP-AP Future Land Use to the north. The HIP-AP Future land use allows for more intense uses such as industrial parks, office parks, and commercial developments and the Suburban Estates Future Land use mainly allows for large lot single family homes. The area surrounding the Orlando Sanford International Airport to the east and south has Future Land Use designations of HIP-AP and Industrial which will foster commercial and industrial type development in the future. Higher density residential developments will provide for a wider mix of housing types in an area which currently has a large lot residential character.

Staff has received no letters of support and 7 letters in opposition to this request - copies were passed out to the Commissioners prior to this hearing.

Staff recommends transmittal of the requested Large Scale Future Land Use Map Amendment and approval of the rezone request.

Hugh Harling, applicant – stated that DCA requires County Staff to evaluate the impacts at their maximum level on issues such as water, sewer and road systems. One of the things DCA required is the use of 30 units per acre but their intent is 15 units per acre for 2 story garden apartments, but because of the way DCA works, the applicant has been unable, from a legal standpoint, to restrict the requirement back to what they want. Applicant's real intent is to have 2 story garden apartments that would provide

housing for the employment at the airport to meet that need. He would like to find a way to have the 15 units per buildable acre and protect the surrounding residential areas.

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

Bob Hunter – stated that he believes this is not consistent with the area land use. There is an old county dump near the property which could cause some ground water problems. He is also concerned about how the traffic will impact their community as it is right now.

Bernard McPherson – stated that he is opposed to this project as he does not believe the applicant will follow through on the project as proposed. He is afraid he will sell it to the highest bidder. He stated that he bought in this area because this was a smaller community and had a smaller impact on traffic and will be a better life for his kids. He further stated that he did not believe this item was advertised and/or posted properly.

Chairman Eismann – asked Mrs. Williamson to go over the posting requirements for the County.

Mrs. Williamson – stated that there is a placard that is posted on the property and every property owner within 300 feet of the subject property is mailed a notice of this hearing. This hearing is also advertised in the newspaper.

Mr. McPherson – stated that the placard was ripped down two days after it was posted.

Steve Coover – stated that he and his wife are opposed to this project as this is a high density residential apartment complex. It should not go here. There is a market for apartments right now, but as mentioned before by Commissioner Brown, Kentucky Street is the line. He discussed compatibility and transitional uses, neighborhood protection, Interlocal Agreement between County and City, location of proposed site is inappropriate next to Suburban Estates, and a conversation with City Commissioner Art Woodruff in which he asked Mr. Coover to let the Commission know that he is opposed to this request as well.

James Flavin – stated that he wants to continue agriculture in this area and this is not the place for the proposed project.

Mr. Harling – responding to the statement that the placard was not posted correctly, advised that he did post it properly and has a picture of the posting. He also stated that he is in agreement with Mr. Coover's statement that this is premature; but from a standpoint of use today only and from a standpoint of use for the future, this is what they believe they should be doing to get out in front of it so that over a 20 year period, they will have sufficient apartment property for the growth and the citizens that will be there in the future.

Commissioner Chase – regarding the issue that the applicant is forced to ask for 30 units because of DCA, what are the options? If he is willing to cut it in half, is there any option the Commission has to bind the applicant to the 15 units rather than the 30?

Alison Stettner, Planning Manager – stated that anytime you amend the Comprehensive Plan, State law requires you to look at the maximum impact of the land use. So in this case, you have to look at the maximum impact of HIP-AP which is an employment type entitlement situation. In a long range plan, you are allowed to ask for any type of use compatible with the land use. So today he could do residential, but he could also come back 10 years from now, tear that out and build something different with the HIP-AP land use. When you are looking at a land use decision, the entire maximum land use entitlements need to be looked at for the impact. Unless you are going with a PD land use where you are setting up the entitlements, that would be the only way you could look at it. The new PD requirements in the Comprehensive Plan require an environmental protection as part of the land use request.

Commissioner Brown – can HIP-AP continue on because at some point we get further and further away from the airport?

Mrs. Stettner – HIP-AP is more flexible with its uses and allows for a different mixture of uses such as residential, industrial, and commercial which is likely one of the reasons why the applicant chose it in his request. However, the applicant will make the request and staff will evaluate it based on the maximum impacts of the land use in order to make a recommendation of either approval or denial. In this case, because we have the SeminoleWay Study that identified this area, including the parcels in this vicinity as a potential employment center, Staff was able to look at that as a way of saying that we have an approved study by the County Commission that identified this particular area for future HIP-AP uses.

Commissioner Brown – did they adopt the study?

Mrs. Stettner – they accepted the study.

Commissioner Brown – why would we have Suburban Estates as part of a study for SeminoleWay changing Suburban Estates to an employment center?

Mrs. Stettner – the SeminoleWay study looked in economic areas and in targeted employment centers and what they looked at were larger parcels that were in close proximity to transportation networks such as the 417, Lake Mary extension and around the airport as a potential for new employment centers for target industry. This area, as part of the economic and land use study, would be candidate for those types of centers.

Commissioner Chase – asked Mrs. Stettner if she had any suggestions as to how the Commission can work with the applicant?

Mrs. Stettner – not within a land use change. You cannot provide limits in a land use study per the administrative code.

General discussion ensued regarding the land use requirements and flexibility of the different land use classifications.

Commissioner Brown – wanted to point out that a line he draws on a piece of paper means absolutely nothing.

Commissioner Day – stated she understands the desire of having the HIP-AP in this area and believes this is a good transitional area, but backing up to Lake Jessup is not a good idea. If it was agriculture or Suburban Estates, there is a transition zone that needs to happen before you get to the HIP-AP but does not believe HIP-AP moving into this transitional area is the right thing. Once it's changed and then sold, it could be anything.

Commissioner Chase – part of the problem is that the 417 goes across Lake Jessup and if we are using the 417 for the SeminoleWay initiative, unfortunately it puts everything on top of Lake Jessup.

Commissioner Brown – if they look at all the available lands that could become employment centers, he would hate to think that to make SeminoleWay successful, we would have to build in residential areas. Maybe we could redevelop some commercial areas that we have now into a higher intensity and create the employment center.

Commissioner Day – believes there is opportunity for the transition to happen here. She doesn't know if this is a way of getting this transition to happen here. Development along 417 is going to happen but transitioning to it makes sense.

Commissioner Brown made a motion to deny this request.

Commissioner Day seconded the motion.

The motion passed 4 – 1 with Commissioner Chase voting for the request.

D. <u>Celery Avenue LSFLUA</u>; Harling, Locklin & Associates, Hugh Harling, applicant; 89 ± acres; Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential); located on the north side of Celery Avenue, east of Sipes Avenue. (Z2008-63 / 09S.FLU02)

District 5 - Carey
Joy Williams, Planner

Joy Williams, Planner – presented this item and stated that it is a Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential).

The Low Density Residential Future Land Use Designation provides for single family detached residences at a maximum density of 4 dwelling units per net buildable acre; also allowing for 7 dwelling units per net buildable acre where single family development meets the requirements for affordable housing.

The subject property is within an area historically containing agricultural uses with a Suburban Estates Land Use providing a density of 1 dwelling unit per net buildable acre; however, the area has recently been transitioning to higher density residential uses; development trends to the west and south of the site are consistent with the Low Density Residential designation.

The current application does not include an associated rezoning request; the final determination of a compatible zoning classification will be accomplished with a lot size compatibility analysis at time of rezoning.

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses and between varying intensities of residential uses. Staff finds that the request for a land use amendment from Suburban Estates to Low Density Residential is an appropriate transitional land use for the area and therefore recommends transmittal of the requested Large Scale Land use Map Amendment.

Hugh Harling, applicant – stated that he is speaking on behalf of Larry Dale, Daryl McLain and the Flowers family. He stated that Mr. Dale asked him to specify that, under property size, the plus or minus acres will be determined at the time that the environmental lines are determined in the field and agreed to by the water management district; so it could be anywhere from 88 or 91 acres. He further stated that he agrees with Staff's recommendation.

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

Commissioner Brown made a motion to approve transmittal of the request.

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

F. <u>Amendments to the Text of the Seminole County Comprehensive Plan, Seminole County, applicant</u>; Amendments to the following Elements of the Seminole County Comprehensive Plan; Conservation (09S.TXT01), Drainage (09S.TXT02), Future Land Use (09S.TXT03), Implementation (09S.TXT04), Introduction (09S.TXT05), Recreation and Open Space (09S.TXT06) and Transportation (09S.TXT07).

Countywide
Sheryl Stolzenberg, Principal Coordinator

Sheryl Stolzenberg, Principal Coordinator – briefed the Commissioners on the proposed text amendments to the Comprehensive Plan that Staff is requesting to be transmitted to DCA.

Commissioner Brown – discussed the issue of adding language regarding no permit being issued unless the road is in the designated exception area, which according to the definition, means to make everything non-rural in the exception area.

Ms. Stolzenberg – advised that the non-rural part of the County is part of transportation concurrency exception and will require Staff to come up with a mobility strategy and what will be appropriate for each area.

Commissioner Brown – will we be looking at intermodal and other forms of transportation?

Ms. Stolzenberg – yes.

Commissioner Bates made a motion to approve transmittal of the requested Text Amendments.

Commissioner Brown seconded the motion.

The motion passed unanimously 5 – 0.

Alison Stettner, Planning Manager – stated that the paperwork handed out to the Commissioners prior to this meeting is the ordinance regarding mixed development (MXD) and buffering that we had workshops on. This ordinance is scheduled to go to the BCC in late August as a request to advertise.

Commissioner Chase – asked if this is what the Planning and Zoning Commission went over during the workshops?

Mrs. Stettner – yes it is. Staff did make changes based on what they thought was the consensus of the Commission, but for the most part, if Staff wasn't clear on what the consensus was, this will be your opportunity to set the record straight.

Commissioner Chase – asked how the Commission could address any issues they may have regarding the ordinance.

Mrs. Stettner – advised that we could have a workshop if the Commissioners would like to discuss this.

Commissioner Brown – suggested that any issues be discussed at the next meeting and be handled like before with "bulleted points of issues".

It was the consensus of the Commissioners to have the discussion of any issues at the next meeting with bulleted points.

Commissioner Eismann – asked Mrs. Stettner if she had anything to address in the Manager's Report and she stated that, due to the fact that there are no items scheduled for July, would it be the pleasure of the Commissioners to cancel the July meeting?

It was the consensus of the Commissioners to cancel the July 1 meeting. The next meeting will be August 5, 2009.

There being no further business, the meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Connie R. DeVasto