

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
AUGUST 5, 2009**

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

**Members absent:** Ben Tucker and Walt Eismann

**Staff present:** Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner; Jeff Hopper, Senior Planner; Joy Williams, Planner; Lee Shaffer, Principal 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 Vice Chairman Chase leading the Pledge of Allegiance. The Vice Chairman then introduced the Commission members and reviewed the procedure used for conducting the meeting, the voting and advised that Item B has been pulled by Staff and will not be heard today.

**Acceptance of Proof of Publication**

Commissioner Bates made a motion to accept the Proof of Publication.

Commissioner Brown 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 –**

A. **Shoppes at Aloma Walk PSP**; Windcrest Development Group, Inc., applicant; approximately 14 acres; Preliminary Subdivision Plan approval for a 4 commercial lot subdivision zoned PUD (Planned Unit Development); located on the

northeast corner of Aloma Avenue and Clayton Crossing Way, and west of SR 417, in Section 31, Township 21 S, and Range 31 E.

Commissioner Dallari – District 1  
Cynthia Sweet, Senior Planner

Cynthia Sweet with Development Review presented this item. The Applicants are requesting approval of a Preliminary Subdivision Plan for Shoppes at Aloma Walk. The PSP complies with all conditions of the approved Final Master Plan and Developer's Commitment Agreement for Greenway Point PUD and the Seminole County Land Development Code, Section 35.43.

**Commissioner Wolf made a motion to approve this request.**

**Commissioner Bates seconded the motion.**

**The motion passed 5 – 0.**

**B. ~~WITHDRAWN BY STAFF~~ Deer Lakes PSP; Hugh Harling, applicant,** approximately 38.98 acres; extension of an approved Preliminary Subdivision Plan for a 26 lot single family residential subdivision zoned A-1 (Agriculture); located on the north side of West SR 46, west of Yankee Lake; in Section 22, Township 19 S, and Range 29 E.

Commissioner Carey – District 5  
Alan Willis, Planner

**Public Hearing Items:**

**C. CJAM Office Small Scale Land Use Amendment and Rezone; Jack Reynolds, applicant;** .51 ± acres; Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Dwelling) to PUD (Planned Unit Development); located at the intersection of CR 419 and W 7<sup>th</sup> Street. (Z2008-10 / 08SS.09)

District 1 - Dallari  
Joy Williams, Planner

**Joy Williams with the Planning Division** - presented this item and stated that the CJAM Office Rezone and Small Scale Land Use Amendment by applicant Jack Reynolds. This is a request for a Small Scale Land Use Amendment from High Density Residential (HDR) to Office (OFF) and Rezone from R-3 (Multi-Family Residential) to PUD (Planned Unit Development) on .51 acres located at the intersection of CR 419 and W 7<sup>th</sup> St.

The applicant proposes to develop a 2,500 sq ft professional office building that would allow for those uses permitted under the OP (Office) zoning district; such as dental, medical, and general office uses providing professional business services.

The adjacent properties have a High Density Residential Future Land Use and an R-3 (Multi-Family Residential) zoning classification. Per the Seminole County Comprehensive Plan; the proposed Office Future Land Use serves as an effective transitional use between High Density Residential Uses and low intensity non-residential office uses.

The applicant has proposed some modifications from the required active/passive buffer setback design standards; those modifications are provided in the table on pg. 8 of the staff report.

The subject site is within the Chuluota Non-Residential Design Area overlay and must meet all required design guidelines. Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area; therefore, Staff recommends approval of this request and approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

**Jack Reynolds with JHR Consultants** - spoke on behalf of the owners, and stated there is a dentist who is interested in this property and they are eager to move this along and get the approval of the Commissioners.

**Mr. Reynolds** - they have read all of Staff's findings and recommendations and agree with Staff.

**Commissioner Wolf** - what would the buffer requirements have been before the applicant requested a change?

**Mrs. Williams** - on the north property line, adjacent to the existing residential, the required buffer would have been a 25' building setback with a 15' landscape buffer yard and a 6' brick or masonry wall with 5 canopy trees. The applicants are proposing along this area, a 10' building setback with a 10' landscape buffer yard, 6' wood stockade fence and 8 canopy trees.

**Commissioner Wolf** – said he sees a section that references 20 canopy trees.

**Mrs. Williams** – along different portions of that north boundary, the Applicants will be providing a different number of trees.

**Commissioner Wolf** – asked if Staff looked at the property and feels that there is a sufficient number of trees to offset the setback?

**Mrs. Williams – yes**

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

**Mrs. Williams –** pointed out the letter handed out prior to the beginning of this meeting which was received from Deborah Shaffer in which she advised that the Chuluota Community Association, Inc. in a favor of this request.

**Commissioner Bates made a motion to approve this request.**

**Commissioner Brown seconded the motion.**

**The motion passed 5 – 0.**

**D. S.R. 426 Small Scale Land Use Amendment and Rezone; Rashid H. Jamalabad, applicant; .97 ± acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to OFF (Office) and: Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) district and; located at the northeast section of the intersection of S.R. 426 and Red Bug Road. (Z2008-66 / 08.SS.08)**

District 1 - Dallari  
Ian Sikonia, Senior Planner

**Ian Sikonia with the Planning Division -** presented this item and stated that this is a request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97± acres, located on the northeast corner of the intersection of Red Bug Road and SR 426.

The applicant, Rashid Jamalabad, is requesting a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), in order to develop a one-story office building. The proposed uses of the development are those permitted in the OP zoning district, which allows for general business and office uses.

The area of SR 426 between Mikler Road and Mitchell Hammock Road has been transitioning to an industrial and commercial area of Seminole County over the past twenty years. There are several developments in close proximity which are approved for similar office uses such as the Oviedo Crossroad PCD, Magnolia Corporate Center PCD, and the Obedia PUD. The existing Future Land Use designations in the area consist of Commercial, Industrial and Low Density Residential. The designation of this property as a Future Land Use of Office will provide for a transition from the more intense Commercial Land Use to the west, to the Low Density Residential Land Use to the east.

The applicant is proposing two waivers to the Active/Passive buffer standards of the Land Development Code and those are for the north side of the property and the east side. The required active setback is 50 feet for an office use and the applicant is requesting a reduction to 25 feet for the eastern and northern portion of the property. The applicant is also requesting waivers for the buffer requirements from 25 feet to 15 feet for the eastern and northern portion of the property. The applicant is requesting 6 canopy trees per 100 linear feet instead of the 8 canopy trees per 100 linear feet on the northern property line. This request is due to the proposed cross access to the north which reduces the area to plant and provide the appropriate spacing for the two extra trees. The requested waivers are due to the triangular shape of the property and the difficulty of the applicant to design the site to accommodate what is required per the Land Development Code. Even though the applicant is not meeting all of the standards of the Active/Passive requirements they are still providing a 6-foot block wall along the eastern property line and are proposing for future cross access to the north. Staff believes the reduced requirements are acceptable due to the irregular shape of the property and the additional amenities proposed for this property such as cross access and pedestrian connections.

Staff has reviewed the proposed Small Scale Land Use Amendment and rezone and determined that the buffers and uses proposed are consistent with the trend of development and compatible with surrounding properties and therefore recommends approval of this request.

**Rashid H. Jamalabad, applicant** - spoke on behalf of the owner and stated that they have complied with all requests made by Staff and agrees with Staff findings.

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

**Commissioner Brown recommended approval of this request.**

**Commissioner Wolf seconded the motion.**

**Alison Stettner, Planning Manager** - pointed out that Commissioner Brown may have stated the wrong direction in his motion.

**Kathleen Furey-Tran** – advised that Commissioner Brown actually stated the “northwest” corner instead of the “northeast” corner.

**Commissioner Brown corrected the direction in his motion.**

**Commissioner Wolf seconded the amended motion.**

**The motion passed 5 – 0.**

**E. Proposed Amendment to the Land Development Code to address public schools in the County's Concurrency Management regulations.**

District – Countywide  
Jeffrey Hopper, Senior Planner

**Jeff Hopper with the Planning Division** - presented this item and stated that these are an amendment to establish a uniform School Concurrency process.

This ordinance responds to recent changes in State law requiring that public schools be included among the public facilities subject to concurrency management. The purpose of concurrency is to ensure that adequate system capacity is available to serve the needs of new development. Facilities and services now subject to concurrency include sanitary sewer, potable water, transportation and drainage.

The Comprehensive Plan requires a review process for all new development to ensure that no permit for development is issued that violates adopted level of service for these facilities.

In following Florida Statutes, the Seminole County School Board has set up just such a review process to address public schools. All local governments, including Seminole County, are participants in this process.

A public school facilities element has already been adopted as part of our Comprehensive Plan. These amendments to the Land Development Code are needed to implement the new system.

In addition to dealing with public schools, the ordinance (an updated copy was passed out to all the Commissioners prior to the beginning of the meeting) which implement the transportation concurrency exception area under Senate Bill 360 from this year's legislative session.

Staff recommends approval of these revisions to the Land Development Code.

**Commissioner Chase** - asked what changed between what was in original packet and what was handed out at the meeting?

**Mr. Hopper** – most of the information on page 8 has changed.

**Alison Stettner** - said changes relate to transportation concurrency. There is a new definition of dense urban land area that relates directly to Senate Bill 360 and implementing transportation concurrency within the new dense urban land area which will be between the Wekiva River Protection area and the Rural Charter line.

She further stated that just because you are exempted from standard concurrency, doesn't mean you don't offset the impacts of your site. We are changing some of the wording in this to show that, yes you do not have to go through transportation concurrency if you are now in the urban area of the county, as defined by the dense urban land area, as defined by Senate Bill 360, but you will have to offset your site impacts and you will still have to do some traffic work. We are planning on taking full advantage of Senate Bill 360 and have worked hard to make sure Seminole County was able to be included as part of that important legislation and are looking forward to enhancing urban infill in our county.

Because of the different viewpoints relating to Senate Bill 360 and some of the actions that other counties and cities are taking, we wanted to make sure we clarified immediately what Seminole County's intention is that affects development.

On page 8 you will see the transportation portion and then in the definition section you will see a new definition for dense urban land area.

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

**Commissioner Chase** – mentioned the letter received from Deborah Schafer speaking on behalf of the Geneva, Chuluota and Black Hammock area are in favor of this request.

**Commissioner Day made a motion to recommend approval of this request.**

**Commissioner Bates seconded the motion.**

**Motion passes 5 – 0.**

**F. Proposed amendment to the Land Development Code to permit manufactured homes in the East Rural Area, and to permit off-site directional signage for agricultural uses in the East Rural Area.**

District – Countywide

**Jeffrey Hopper with the Planning Division** – presented this item and stated that this ordinance would establish manufactured housing as a permitted use in the A-3, A-5 and A-10 zoning districts. The code amendment would support and implement Policy FLU 10.3 of the Comprehensive Plan which is intended to maintain and increase the supply of affordable and workforce housing in the county. The ordinance also creates a process for permitting seasonal, off premise signs related to agriculture operations in the rural area. Such signs would only advertise produce and/or activities related to the agricultural use of the property and would be displayed no more than 8 months per year.

Staff recommends approval of these amendments to the code.

**Commissioner Chase** - asked why manufactured homes and signs together in the same ordinance?

**Mrs. Stettner** – stated in this case, both affect the A-3, A-5 and A-10 zoning districts and that is why they are together in the same ordinance.

**Commissioner Chase** – pointed out on page 4, “Permitted Uses”, “SUB F”, “Elementary Schools” and “SUB I” also “Public and Private Elementary Schools” and asked if there was a reason for the duplication.

**Mrs. Stettner** – thanked Commissioner Chase and advised that this will be corrected.

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

**Commissioner Wolf made a motion to approve this request pending the correction noted by Commissioner Chase.**

**Commissioner Bates seconded the motion also pending correction of the noted language.**

**Commissioner Brown** – stated for the record that the Deborah Schafer letter referenced in Item E is actually in support of this item, Item F.

**Motion passes 5 – 0.**

**G. Proposed amendment to the Land Development Code to create a “Mixed Development” zoning classification and a “Planned Development” zoning classification.**

District – Countywide  
Jeffrey Hopper, Senior Planner

**Jeffrey Hopper with the Planning Division** – presented this item and stated that this ordinance would establish a mixed use zoning classification to implement the mixed development future land use adopted as part of the Comprehensive Plan in December 2008. The mixed development future land use has been applied to properties along US 17-92 and is intended to encourage new types of projects which will bring residential, commercial and office uses together within the same development site.

The expected benefits of mixed use development include employment opportunities near residences; walkable communities, reduced traffic on major roads and new economic investments.



This ordinance would set new development criteria for mixed use developments and establish a review process that includes concept plan approval by the Board of County Commissioners.

It would also provide incentives for mixed use developments in the form of increased floor areas and building heights while maintaining compatibility with the adjoining neighborhoods.

This ordinance would also establish a single planned development district to take the place of the existing planned unit development and planned commercial development districts.

The proposed new planned development or PD district would eliminate a certain amount of duplication in the code by collapsing two different sets of regulations into one. It would also reduce the time involved to get a PD approval by bringing more detailed information into the preliminary master plan and allowing Staff to approve the final plan as long as it complies with the preliminary.

Staff recommends approval of this request.

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

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

**Commissioner Bates seconded the motion.**

**Commissioner Chase** – stated that she thought it was discussed at the last meeting that the Board would like to see bullet points regarding the concerns they had and asked the Board if they wanted to vote on this as a whole, without the bullet points or break each of the items out.

**Commissioner Chase** – also stated that she does not believe CPTED should be included in this (referring to crime prevention on page 40).

She also pointed out the building color requirements on page 44 and stated that she feels this is vague and can lead to litigation and should be a HOA issue.

**Commissioner Wolf** – stated that he believes this is trying to prevent some of the prohibited colors.

General discussion ensued regarding the concept of CPTED and how it applies to the different areas.

**Commissioner Chase** – stated that she has a problem with the word “shall” be designed according to CPTED. This does not give the Board the ability to choose or not choose it when they feel it is appropriate.

**Commissioner Wolf** amended his motion to approve this request with the removal of the word “shall” and replace it with a recommendation as opposed to a mandatory invoking of it.

**Commissioner Bates** is agreeable to the change in the original motion and seconded the amended motion.

Additional discussion ensued regarding mixed use development, CPTED, using the word “encourage” instead of “shall” and having a feeling of openness in the area.

**Motion passes 5 – 0.**

## **CLOSING BUSINESS**

**Commissioner Chase** – asked Mrs. Stettner if she had anything to address in the Manager’s Report and she asked the Commissioners if they would like to continue with the workshops?

**Commissioner Chase** – stated that if the Board continues the workshops, she would like to see them come out of the workshops with bulleted points of what was discussed that the Board did not agree with.

**Mrs. Stettner** – stated that if the workshops continue, she will provide a bulleted list.

**Commissioner Chase** - suggested they vote on bullet points at workshop.

**Kathleen Furey-Tran, Assistant County Attorney** – advised that the Board cannot vote at the workshop. They would need to discuss the items and then bring them to the regular meeting to vote on them.

**Mrs. Stettner** – stated that at the past workshops, there seemed to be a lot of discussion, but never a clear direction as to what the Board wanted and it would help if there was a consensus of opinion so that she could provide a bulleted list for the Board at the next meeting.

**Commissioner Brown** – stated that sometimes there may be a bulleted list that the Board is agreeable to, but Staff may have a separate list that they are agreeable to, and believes that the Board should make their recommendation according to their bullet list and it would be up to Staff to argue the points with the Board of County Commissioners.

**Mrs. Furey-Tran** – reminded the Board that all changes should be discussed and voted on at the public hearings, not at the workshops.

**Commissioner Chase** – stated that the items presented to the Board would be Staff's recommendations and it would be up to the Board to make any changes that they would like as their recommendations for the Board of County Commissioners.

**Commissioner Brown** – suggested that maybe they could have the workshop, then the regular meeting to discuss the bullet points and then vote on the bullet points at the following meeting.

**Mrs. Stettner** – stated that because of the way the request to advertise has to go to the Board, the Planning and Zoning Commission may see items well in advance because of the new restructuring of the Land Development Code. In this case, since Staff is implementing something into the existing Code, that is why it is such a long ordinance. It is in chapters in the new format with strikethroughs of major portions and Staff tried to fit it into the existing Code where PD fits in so many portions of the Code. However, as quickly as Staff gets through it, Staff will bring it to the Planning and Zoning Commission before it is even taken to the Board of County Commissioners for a request to advertise.

**Commissioner Chase** – stated that they would like to see something in writing come out of the workshops and presented to them at the regular meetings.

**Mrs. Stettner** – advised that she will make sure she provides that to the Commission.

There being no further business, the meeting was adjourned at 7:45 P.M.

**Those in attendance may be heard and written comments may be filed with the Planning Division. Hearings may be continued from time to time as found necessary. Further details are available by calling 407- 665-7775.**

***Note:** Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of the meeting at 407-665-7941.*

**Persons are advised that if they wish to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes.**