

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 2, 2009**

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

Members absent: None

Staff present: Alison Stettner, Planning Manager and acting Planning and Development Director; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Anthony Nelson, Senior Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

CALL TO ORDER:

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 Bates made a motion to accept the Proof of Publication.

Commissioner Brown seconded the motion.

The motion passed unanimously 7 – 0.

Approval of Minutes

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

Commissioner Bates seconded the motion.

The motion passed unanimously 7 – 0.

NEW BUSINESS:

Commissioner Brown made a motion to approve the 2010 meeting dates as submitted.

Commissioner Bates seconded the motion.

The motion passed unanimously 7 – 0.

Technical Review Items: None

Public Hearing Items:

A. Kentucky Square Large Scale Future Land Use Map Amendment; Hugh Harling, Applicant; 27.6 ± acres; Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to LDR (Low Density Residential); located on the southwest corner of the intersection of Beardall Avenue and Kentucky Street. (Z2008-60/09S.FLU03)

District 5 – Commissioner Carey
Ian Sikonia, Senior Planner

Ian Sikonia, Senior Planner - presented this item and stated that this is a Large Scale Future Land Use Map Amendment request from SE (Suburban Estates) to LDR (Low Density Residential) in order to develop a single-family home subdivision. The purpose of this hearing is due to the fact that the Planning and Zoning Commission never heard or made a motion on the revised request from the Applicant.

The Planning and Zoning Commission voted to deny the original request on June 3, 2009 for a LSFLU Map Amendment from SE to HIP-AP and a rezone from A-1 to PUD. However, the Applicant revised his request on July 6, 2009 to remove the rezoning and changed the Future Land Use request to LDR.

On August 11, 2009, the Board of County Commissioners voted to recommend transmittal of the Low Density Residential request to the State. The Department of Community Affairs issued their Objections, Recommendations and Comments letter on October 23, 2009 regarding the proposed Future Land Use Amendments. The Department raised no objections regarding the Kentucky Square Large Scale Future Land Use Amendment in their letter.

Staff has received three letters in opposition to this request which have been passed out to the Board members prior to this meeting.

Staff recommends approval of this request based on Staff findings.

Commissioner Wolf – referred to the sentence in the Staff report regarding better job to housing mix and asked Mr. Sikonia to elaborate on that.

Mr. Sikonia – stated that there are two Planned Commercial Developments adjacent to this area. These projects are being proposed as Office and Retail. If the item before you is approved, instead of the residents driving further to get services or to employment centers, they could possibly have shorter trips.

Commissioner Wolf – so Staff envisions that there will be stores and shops there?

Mr. Sikonia – that is what has been proposed for the two Planned Commercial Developments.

Commissioner Wolf – regarding High Intensity Airport, is this more of an industrial type of area as opposed to a commercial area with retail?

Mr. Sikonia – it allows for airport related uses such as light manufacturing, industrial, commercial, hotel and motel services.

Commissioner Wolf – does the HIP-AP allow for restaurants and is this the long term vision?

Mr. Sikonia – the long term vision will be in accordance with the Orlando/Sanford Master Plan and it will hopefully support the growing aviation business in this area.

Commissioner Brown – is there a Seminole County/Sanford Master Plan?

Mr. Sikonia – there is an airport Master Plan and there are agreements between Seminole County and the City of Sanford via interlocal agreements that Staff would send them regarding anything in this boundary. The City of Sanford is given the opportunity to give us comments on proposed projects in this area.

Commissioner Brown – we have these with all the cities in Seminole County, correct?

Mr. Sikonia – yes we do.

Commissioner Chase – right now we have Suburban Estates adjacent to High Intensity Airport. What type of transition does Staff normally recommend for this?

Mr. Sikonia – Staff would recommend what is listed in the table of transitional uses in the Comp Plan.

Commissioner Chase – is Low Density Residential one of those listed?

Mr. Sikonia – stated that he believes it is but does not have the table in front of him at this time.

Commissioner Wolf – general discussion regarding the types of transitions in this area and asked why Staff would recommend something that wasn't the proper transition for this area.

Mr. Sikonia – stated that he did not know what Staff's intent was when they requested the HIP-AP in this area.

Brief discussion ensued regarding the differences between Rural versus Low Density Residential as it relates to buffers and the impact of High Intensity Planned Development – Airport.

Hugh Harling, Applicant – stated that he represents the owners, Ted and Ann Takvorian. He advised that after the Planning and Zoning Commission denied their original request, they had a meeting with the adjacent neighbors. The neighbors had a lot of input regarding this item including the HIP-AP classification and they picked Kentucky Street as the limit line for HIP.

Mr. Harling – handed out a letter dated July 28, 2009 which contained voluntary commitments that were made to the south neighborhood at their neighborhood meeting on June 25, 2009. He pointed out the commitments that were made which included the following:

- proposed 50' buffers in the lots that backup on Beardall Avenue
- the proposed drainage system
- the proposed entrance and exit for the subdivision
- the proposed extension of a cul-de-sac
- the proposed water distribution system which includes a fire hydrant for fire protection to the south neighborhood

Mr. Harling – stated that the neighbors were also concerned about a piece of property owned by Mr. Lenz who leases out three mobile homes which are in a state of disrepair. He also stated that he met with Mr. Lenz and advised that in the future, a small scale land use LDR request will be forthcoming from Mr. Lenz. He further stated that in the future, they are hoping to bring the proposed cul-de-sac into Mr. Lenz' property to make this a more unified subdivision.

Commissioner Eismann – referring to the location of cul-de-sac, asked if this location depends on Mr. Lenz' property being used.

Mr. Harling – no, it does not. He referred to the location of the cul-de-sac on the map and showed the location of a dirt road that feeds the area near the proposed cul-de-sac.

Commissioner Eismann – asked if the cul-de-sac would remain within the confines of the original site if Mr. Lenz' property was not available.

Mr. Harling – advised that it would stop within the right-of-way, near the fire hydrant.

Commissioner Wolf – does that take you right down to the wetlands?

Mr. Harling – referring to the map, pointed out where the wetlands were and stated that there is an extensive buffer required adjacent to the wetlands. If Mr. Lenz' property is changed to LDR, it would only be the property above the buffer.

Commissioner Wolf – referring to the map, asked if the white area shown on the map was industrial.

Mr. Sikonia – it is the City of Sanford municipal boundary.

Commissioner Wolf – asked what are the other properties zoned in that area.

Mr. Harling – they are all suburban estates or a zoning equal to that.

Mr. Sikonia – it is most likely low density.

Mr. Harling – pointed on the map where the City of Sanford areas were.

Commissioner Eismann – asked if the commitments he made to the Board of County Commissioners were in the DCA.

Mr. Harling – stated that they are voluntary commitments and there will not be a DCA as this is a straight zoning.

Commissioner Eismann – entered the three letters of opposition from Art Woodruff, Ken Avant and R. G. Hunter in the record at this time.

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

James Flavin – stated he and his wife are owners of approximately 10 acres of land near the corner of Beardall Avenue and Kentucky Street. They have farmed this land for over 30 years and are concerned about the density of the proposed project. He stated that they are also concerned about the following items:

- soil absorbing water and water run-off in this area
- he believes there is a State Statute that protects his land since he grows citrus and he wants to make sure that he is still protected
- wants to make sure the area remains agriculture
- the mix of dwellings and commercial property in the area
- the number of dwellings per acre and how many of those acres are buildable and wetlands

Mr. Sikonia – stated that the Suburban Estates future land use allows for one dwelling unit per buildable acre and Low Density allows for a maximum of 4 dwellings per buildable acre unless it is affordable housing, then it would be 7 per buildable acre.

Commissioner Wolf – stated that he sees the Applicant requested 7 dwellings on the application and asked if this means he will be building affordable housing.

Mr. Sikonia – stated that when Staff does the Future Land Use Amendments, they have to base the impacts on the maximum dwelling units allowed for this site.

Commissioner Wolf – is this what the Applicant is proposing?

Mr. Sikonia – if he were to do affordable housing, the maximum 7 units per acre would be 196 possible units. However, he believes the Applicant is only proposing approximately 100 units.

Commissioner Brown – is workforce housing considered affordable housing?

Tina Williamson, Assistant Planning Manager – the Applicants would have to apply for affordable housing zoning designation to get up to 7 dwelling units per acre and they have not applied for that.

Commissioner Brown – referring to the justification statement from the previous application by the Applicant, advised that it stated “to provide workforce housing in the form of single family homes”.

Mrs. Williamson – stated that workforce housing does not necessarily have to be affordable housing per the zoning code.

Commissioner Wolf - given that this is right across from an High Intensity Area, would that be the case?

Mrs. Williamson – stated that this is out of the scope of zoning and she could not speak to what the market would bring in the future.

Mr. Sikonia – in answer to Commissioner Wolf’s question regarding what the zoning was for the City of Sanford property that is adjacent to the proposed site, Mr. Sikonia stated that it is zoned Suburban Estates which would be one dwelling unit per buildable acre.

Alison Stettner, Planning Manager – regarding affordable housing zoning, it has specific requirements that relate to entitlements that have funding through specific grants as well as programs to place people in affordable housing and the Applicant is not seeking this at this time. She also stated that during the land use phase, which this request is at, Staff must do an analysis pursuant to State law.

Kathy Hunter – stated that she lives on Kentucky Street, which is across from the proposed request, and she was not informed of the commitments that Mr. Harling referred to. She wanted to know why the proposed entrance to this project will be from Kentucky Street instead of Beardall. She feels that Kentucky Street cannot handle the additional traffic. She is also concerned about the flooding and the run-off if 100 homes go in this area.

Mr. Harling – apologized to Mr. and Mrs. Hunter regarding the fact that they were not aware of the commitments. He stated that he left it up to the neighborhood people to

decide who to invite to the community meetings. He stated that he is aware of the drainage problems in this area and explained the need for the entrance to this project to be on Kentucky as it will be near Lake Mary Boulevard. He advised that they are working with the owners of the property to the north of this site to see if they could possibly put in an entrance from Lake Mary through the HIP-AP area.

He stated that they are not asking for affordable housing. Due to the drainage, the wetlands and being in the Lake Jesup Basin, they will be lucky to get 3 units to the acre. His guess is that they will probably get 2.8 units per acre or about 75 units (plus or minus 2%).

They are planning to use the ditch on the west side of the proposed site that runs through Mr. Lenz' property to take care of the run-off problem.

Commissioner Wolf – asked about the entrance issue brought up by Mrs. Hunter considering the condition of the road.

Mr. Harling – stated the roads are in good shape out there and there are several ways to access with property. He stated Beardall, Snipes and if they get the road they are proposing through the HIP-AP property, that would give them 3 ways to access the property.

Commissioner Brown – asked if the Applicant would make improvements to the asphalt on Kentucky or do they believe they are suitable for what they are proposing at this time.

Mr. Harling – stated that all of the roads in this area are “rural cross section” and there are several conditions that have to be met. These issues will be part of the final engineering phase of this process. There will be some off-site improvements to the roads.

Commissioner Eismann – asked Staff if they could address Mr. Flavin's reference to a Florida Statute regarding farming in this area.

Mrs. Stettner – advised that Mr. Flavin will be able to continue his farm operation without any interference.

Mr. Harling – stated that they will put a notation in the HOA documents that there is an agricultural operation in this area and it has priority over the residential operation.

Commissioner Brown – asked Mrs. Stettner to explain why this item is coming back to them since it already went to the BCC and to the State. He questioned whether the State had a problem with this application and that is why it is being brought back to them.

Mrs. Stettner – advised that the State did not have a problem with the item. However, the County Attorney’s office wanted it brought back to this Board due to the fact that they have not heard the revised application.

Kathleen Furey-Tran, Assistant County Attorney – advised that the Land Development Code and State Statutes require that the Planning and Zoning Commission see each application and since this was a revised land use change application, they feel the Board needs to hear this revised request.

Commissioner Brown – stated that they normally don’t see items when changes have been made.

Mrs. Furey-Tran – since this is an entirely new land use application, it’s something that needed to come back to this Board.

Commissioner Eismann – asked if this item will be going to the BCC.

Mrs. Furey-Tran – yes, it will be heard at the next BCC meeting.

Mrs. Stettner – on Tuesday for adoption.

Commissioner Bates – asked what they adopted before.

Mrs. Stettner – at the August meeting, they transmitted the LDR application to the State.

Commissioner Bates – so they transmitted but didn’t formally adopt?

Mrs. Stettner – that is correct.

Commissioner Wolf – stated that he is torn regarding the different zonings in this area and the transition between them, especially adjacent to the airport.

Commissioner Chase – stated that the Board needs to focus on what can be done tonight and she feels that this is an appropriate zoning for this property.

General discussion ensued regarding the history of this item going to the BCC and to the State and objections the State had.

Mrs. Stettner – advised that the objections the State had were regarding the text amendments, not this request.

Commissioner Chase made a motion to approve this request.

Commissioner Day seconded the motion.

The motion passed 5 – 2, with Commissioners Brown and Wolf voting against the request.

CLOSING BUSINESS

Commissioner Eismann – asked Alison Stettner, Planning Manager, if she had anything to address in the Manager’s Report and she advised that she did not except to let the Board know that the January meeting will be a long one.

Commissioner Chase – asked if the Planning and Zoning Commission meetings ever started earlier than 7:00 p.m. She suggested that the meetings start at 6:00 p.m. instead of 7:00 p.m.

Mrs. Stettner – advised that a 6:00 p.m. start time would be agreeable with Staff if it’s the Board’s pleasure.

It was an unanimous decision by the Board to have the 2010 Planning and Zoning meetings begin at 6:00 p.m. instead of 7:00 p.m.

There being no further business, the meeting was adjourned at 7:40 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.