

SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771-1468



Minutes - Final

Wednesday, January 6, 2010

6:00 PM

BCC Chambers

Planning and Zoning Commission

CALL TO ORDER

Opening Statement

The meeting convened at 6:00 p.m. with Chairman Eismann leading the Pledge of Allegance. The Chairman then introduced the Commission members and reviewed the procedure used for conducting the meeting and the voting.

Staff Present

Alison Stettner, Acting Planning and Development Director; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Lee Shafer, Principal Engineer, Development Review Division; Dick Boyer, Senior Planner, Planning Division; Jeffrey Hopper, Senior Planner, Planning Division; Ian Sikonia, Senior Planner, Planning Division; Joy Williams, Planner, Planning Division; Brian Walker, Senior Planner, Development Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

Acceptance of Proof of Publication One

Acceptance of Proof of Publication Two

Commissioner Bates made a motion to accept the Proofs of Publication One and Two.

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

Technical Review Items:

A. Elm Acres Subdivision PSP; Chris and Pati Wilson, applicants; approximately 4.6 acres; Preliminary Subdivision Plan approval for a 2 Lot SFR (Single Family Subdivision) zoned A-1 (Agriculture); located on the east side of Elm Street, approximately 500 feet north of Panther Street.

**Commissioner McLean – District 2
 Brian M. Walker – Senior Planner**

Brian Walker, Senior Planner - stated that the applicants are requesting approval of a preliminary subdivision plan for 2 residential lots. Each lot is approximately 2.3 acres and is zoned A-1 (Agriculture).

The preliminary subdivision plan complies with all the conditions of the A-1 zoning district and Section 35.43 of the Seminole County Land Development Code.

The lots will be served by septic and well water.

Staff recommends approval of this request.

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

A motion was made by Vice Chairman Melanie Chase, seconded by Kimberly Day, to approve this request. The motion CARRIED by the following vote:

Aye: 7 - Matt Brown, Vice Chairman Melanie Chase, Michael Bowdoin, Dudley Bates, Kimberly Day, Chairman Walt Eismann, and Rob Wolf

Public Hearing Items:

B. Ligonier Ministries Saint Andrews PUD (FKA Sproul Bible College) Major Amendment and Rezone; Guy Rizzo, applicant; 42.1 acres; PUD Major Amendment and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) district; located on the south side of Wayside Drive, approximately 550 feet east of the intersection of Wayside Drive and Orange Boulevard. (Z2009-29)

**District 5 - Carey
 Joy Williams, Planner**

Joy Williams, Planner - stated that the existing PUD consists of approximately 27 acres with the permitted uses of a church and bible college.

At this time, the applicant is requesting a major amendment and rezone in order to add approximately 15 acres to the southern portion of the PUD along with additional permitted uses as follows:

1. Enrollment of the bible college to be expanded from 70 students to 250 students
2. The addition of 5 buildings to be used as classroom and administration space

3. Two dormitories for live-in students with a total number of beds not to exceed 112
4. Three duplexes to accommodate guests associated with the church and college
5. A library and bookstore
6. A cemetery as an ancillary use to the church

There will be additional landscaping along the east, west and southern property lines to provide adequate buffering for the adjacent properties which have R-1 AAA and A-1 zoning classifications. Primary access to the site shall remain from Wayside Drive.

Staff finds that the proposed rezone and major amendment will remain compatible with the surrounding area and recommends approval of this request.

Commissioner Chase - asked when the 15 acres was originally approved.

Mrs. Williams - it was original approved in 1992. Then they took the 15 acres out of the PUD and rezoned it back to A-1.

Matthew West, Ivey Planning Group - stated that he was the Planner for this project and introduced Guy Rizzio and Joe Margio. They concur with the staff report and are available for any questions the Commission might have.

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

Steve Devine of Sanford - stated he is concerned that the proposed Wekiva Parkway route goes through this site. He is not opposed to the church and requested that the Commission postpone this item until the final vote on the Wekiva Parkway route.

Brandy Carter of Sanford - stated that she and her husband are opposed to this project because the traffic is already bad in this area and this will only make it worse. She is concerned about the light pollution, the wetlands behind them, their privacy and property values. She is only opposed to the college. They live in a flood prone area and the applicants are stating that they will be putting in 2 retention ponds but they are not sure if this will work or even happen. She stated that the applicants are planning on putting in a dumpster which will back up to the corner of their yard. She further advised that she is also speaking on behalf of her neighbor Tommy Lyon. He was ill and could not attend the meeting but is also opposed to the college.

Stephanie Bowers of Sanford - stated that she is opposed to this project and showed pictures of the flooding on her property and the property next to her. She is concerned about the drainage if this is approved and would like to see some type of wall between the properties.

Steve Ballinger of Sanford - stated that he is very concerned about the drainage and suggested that the applicant raise the land to make it dry. He further stated that if the property stays dry, he would be in favor of the project. If it does not stay dry, then he is opposed.

Lisa Ballinger of Sanford - stated that she is also concerned about the drainage as there is nowhere for the water to go now. This needs to be fixed.

Mr. West - stated that the Parkway alignment has not been decided and there isn't a moratorium on requests for changes in this area and if the Expressway Authority picks an alignment, they will have to take this project into consideration and the possible route of the Wekiva Parkway should not be the deciding factor on the appropriate use

of this land. Pointing to a map, Mr. West showed where the flood prone areas are. He also stated that they recognize that this is in the 100 year storm event and it must be kept on site. The County has regulations in place that require them to retain a lot more drainage on site because there is nowhere else for it to go. Mr. West advised that his client will look at the issue of the dumpster location and might consider moving it. However, the proposed location is approximately 100 feet away from Mr. and Mrs. Carter's lot and given the location of their lot, they actually have the most privacy and protection from the issues that they have expressed regarding this item.

Mr. West - his clients want to be good neighbors and if there are any issues, Mr. Rizzo would like to be contacted so that they can work with them to solve the issues.

Guy Rizzo, Attorney for applicant - stated that the Wekiva Parkway alignment will not affect this project and is not applicable to this meeting. They want to be good neighbors and will work with the neighbors regarding their issues with the wetlands, dumpster location, traffic and noise. Phase One will not affect Mr. and Mrs. Carter. The dumpster can be moved so that it is not offensive to anyone. The retention ponds will meet all county requirements. Mr. Rizzo stated that this area has pre-existing drainage problems and they have not and will not add to them.

Commissioner Wolf - asked what controls and measures the applicant has in place to make sure they preserve the quiet enjoyment of the residents around this property given the fact that there will be two dorms with a total of 112 beds?

Mr. Rizzo - stated that the nature of a bible college will not be like a regular college. It will probably be the quietest college they have ever seen. They will have different type of students and will have rules and regulations. They will also be monitored. The decorum of the students on this campus will be in keeping with the type of property it is.

Commissioner Day - what is the target age range of your students?

Mr. Rizzo - they appeal to a very broad range of students from adults to high school age or slightly older.

Commissioner Day - stated that 100 year floodplain is in one of the retention ponds and stated that she assumed the applicants were going to raise the grade of that pond, is that correct?

Joe Margio, Engineer - stated that the plan is just conceptual right now and they cannot go into the floodplain without providing compensating storage. They still have a lot of final engineering to do and will get the appropriate approvals from the County and St John's Water Management. The location of that could change.

Commissioner Day - stated that the location of this pond is within 100 feet of the residential area which is very close. Building and filling in the land is only going to exacerbate the problem they are having in that area.

Mr. Margio - stated that the pond will contain all the runoff from their site and will most likely be out of the floodplain area. If that is the case, they will not be impacting any existing storage capacity that is there for the other areas. He further stated that they are not going to add to it and will retain all of their run-off on site. They will be holding the 100 year/24 hour storm which is the most stringent storm requirements the County has and they cannot discharge from this site with that storm event. They will not be

filling in the floodplain and if they did, they would have to provide the storage so there is no net fill into the floodplain if that does happen.

Commissioner Day - regarding the fire department emergency drive with a stabilized base, she stated that it looks like it is 35 to 40 feet within the 100 year floodplain. She asked how they could create and maintain that fire department access without filling in that portion.

Mr. Margio - stated that the road is only 25 feet wide and they are far enough away from the floodplain that they will not have to disturb any of the floodplain to build a 25 foot wide stabilized roadway. There is a good chance it will be like a grid system with soil and grass on top of it. If not that, it will be a combination of mulch on there. It will not be a paved road.

Commissioner Day - stated that her concern is the slope that they will have to provide to raise it out of that area. Knowing that the road is only 25 feet wide, the applicant might have a 5 to 1 slope?

Mr. Margio - stated that they will not have to raise it very far. With a 3 to 1 slope or even a 5 to 1 slope, they might have to go out to 5 feet, 10 feet max. If it is going to impact the floodplain, they will move it further away.

Commissioner Day - asked if the maintenance building that is not in accordance with the 100 foot setback, is that an existing building.

Mr. Margio – advised that it was

Commissioner Brown – on the pop-off on the existing property, where is it popping off to – is it popping off into Shadow Lake?

Mr. Rizzo – yes, on the St. Andrews property, there is a pop-off that goes into Shadow Lake. He stated that even though storm Fay, it didn't get up that high.

Commissioner Chase - asked about the history of this case with the original PUD in 2002 and the D. O. in 2007.

Mr. Rizzo - stated that this has gone through 3 or 4 hearings and basically, they are putting the 15 acres back into the PUD.

Commissioner Chase - according to the Development Order in 2007, you were anticipating 70 students on 27 acres and now you are adding 15 acres and 250 students and it seems like a lot.

Mr. Rizzo – stated that they are also looking at the Sail Drive access that they weren't looking at before. When Phase Two is developed, they will use Sail Drive as an access. They have traffic studies on what they can accommodate and he believes they can meet all the requirements.

Commissioner Wolf - stated that it is a little more intense than he would like to see, but the bible college off-sets it and feels it is a good fit for the community.

Commissioner Brown – asked what kind of buffer do they propose on the property to the east?

Mrs. Williams – stated that there is currently a 15 foot landscaping buffer and it consists of 8 canopy trees per 100 lineal feet and a 6 foot hedge along the east property line.

Commissioner Brown – mentioned that in 2007, the Commission was concerned about the height of the church.

Commissioner Day - stated she is concerned about the dorm and the students who will attend. Even though this is a bible college, the students will still be typical teenagers and young adults.

Commissioner Chase – stated that she is also concerned about the dorm, the 5 buildings, library, duplexes, etc. She feels the level of increase to the density is too much.

Commissioner Wolf - stated that the dorms would add a 24 hour aspect to this property.

Commissioner Brown - asked if the housing was in the previous Development Order and also stated that, in the proposed Developer’s Agreement, the hours of operation are Monday through Friday, 8 a.m. to 5 p.m., but they have added to 9:00 p.m. to 6:00 a.m. on Saturdays.

Commissioner Chase – stated that in the 2007 D.O. said 2 existing residential dwelling units.

Commissioner Wolf – stated that he didn’t believe there were any other residential units in the PUD at that time.

A motion was made by Vice Chairman Melanie Chase, seconded by Kimberly Day, to deny this request. The motion PASSED by the following vote:

Aye: 6 - Matt Brown, Vice Chairman Melanie Chase, Michael Bowdoin, Dudley Bates, Kimberly Day, and Chairman Walt Eismann

Nay: 1 - Rob Wolf

C. Loma Vista PUD Major Amendment; Mark Clayton, applicant; 56.86 acres; Request for a PUD Major Amendment to the Loma Vista PUD and Addendum #1 to the Loma Vista PUD Developer’s Commitment Agreement, containing 56.86 acres, located west of the intersection of SR 426 and Via Loma Drive. (Z2009-22)

**District 1 - Dallari
Ian Sikonia, Senior Planner**

Ian Sikonia, Senior Planner - presented this item and stated that the Loma Vista PUD was originally approved in 1999 as a multi-use Commercial, Industrial and Multi-Family development. A majority of the tracts in the PUD have been developed, except for Tract D due to the location of a wetland. The Applicant is requesting a major amendment to the PUD by proposing an additional access point for Tract D.

The current access road is located on Via Loma Drive and is not suitable to access

Tract D. There is an existing wetland located within Tract D which does not make it feasible to access that lot. Since the PUD is requesting cross access with a parcel not located within the PUD, the developer commissioned a letter from the adjoining property owner whom is in agreement with the access point. A copy of the letter from the adjoining property owner in agreement has been attached to the agenda report.

The proposed cross access point for Tract D would allow for the developer to construct a building with more suitable access than what was originally approved for in this tract. Staff feels that the proposed access is suitable for the development of the tract and would not cause a hardship to the adjoining property owner or the surrounding neighborhood.

Staff has received no letters of support or opposition to the proposed PUD Major Amendment and recommends approval of this request.

The Applicant was available for questions but did not wish to speak at this time .

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

A motion was made by Rob Wolf, seconded by Matt Brown, to approve this request. The motion CARRIED by the following vote:

Aye: 7 - Matt Brown, Vice Chairman Melanie Chase, Michael Bowdoin, Dudley Bates, Kimberly Day, Chairman Walt Eismann, and Rob Wolf

D. Small Scale Land Use Amendment; Hugh Harling, applicant; 9.98 acres; Small Scale Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR); located on the south side of Eaglewoods Trail; approximately ¼ mile east of Sipes Avenue. (Z2009-27 / 09ss.03)

**District 5 - Carey
Joy Williams, Planner**

Jeffrey Hopper, Senior Planner - stated that this request would amend the Future Land Use Map to allow an increase in residential density, but limited to single family use. The existing Suburban Estates designation limits development to one unit per net buildable acre, while the proposed LDR designation permits 4 units per net buildable acre. Where affordable housing is proposed, the maximum is 7. Any actual increase in density on the site will require an application for rezoning, which is not being done at this time.

The subject property is bordered by Suburban Estates on the south, east and west, while the property to the north was approved for LDR in December. The applicant's request for LDR is consistent with the Comprehensive Plan's Transitional Land Use guidelines.

This site is within the City of Sanford's service area. However, the City has not provided detailed information on available water and sewer capacity. The City has instead, provided a written statement that they have adequate water and sewer capacity for the site, but the developer may be required to provide treatment facilities or other improvements to meet engineering and water quality standards. Potential impacts on other public facilities appear to fall within available capacities.

Staff recommends approval of this request.

Commissioner Wolf - asked if the Commission approved the property on the south side of this site at the December meeting.

Joy Williams, Planner - advised that they did.

Commissioner Wolf – asked if the maximum density in the area was 4 homes per acre.

Mrs. Williams – yes, it was approved for Low Density Residential which is 4 with a maximum of 7.

Commissioner Wolf – was there a stipulation in there that precluded the 7 and limited them to 4?

Ian Sikonia, Senior Planner – stated that particular application originally came in with a rezoning and a land use request. The rezoning was postponed and the land use application came in so you could not add a stipulation in the Development Order because it did not exist because it was just the land use request.

Commissioner Brown - this is a request for a land change, not a rezoning

Hugh Harling, Applicant - stated that Mr. Lenz is the owner of this property which is adjacent to the Kentucky Street item that was heard at the December meeting. He showed a conceptual lay-out and pointed out Eagle Circle which separates the two. The density that they are anticipating is about 2.8 units per acre. Stated that they had a meeting with Eagle Circle HOA and they are in support of this request. The applicant withdrew the rezoning request to bring it back at a later time as a joint PUD.

Commissioner Chase - asked if this is the piece of property that was not included in the item that came before the Commission in December.

Mr. Harling – advised that it was and pointed to the area on the map of the previous request and the current request.

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

A motion was made by Matt Brown, seconded by Dudley Bates, to approve this request. The motion CARRIED by the following vote:

Aye: 7 - Matt Brown, Vice Chairman Melanie Chase, Michael Bowdoin, Dudley Bates, Kimberly Day, Chairman Walt Eismann, and Rob Wolf

E. Richmond Commerce Center Large Scale Future Land Use Map Amendment and Rezone; Hugh Harling, applicant; 32.6 acres; Request for a Large Scale Future Land Use Map Amendment from IND (Industrial) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development), located at the southwest section of the intersection of SR 46 and Richmond Avenue. (Z2009-26 / 09FLU.02)

**District 5 - Carey
Ian Sikonia, Senior Planner**

Jeffery Hopper, Senior Planner - stated that he will be presenting the large scale land use request portion of this item and Ian Sikonia will be presenting the rezone portion of this request.

This request would make HIP-Airport the future land use designation on the entire development site of approximately 33 acres. The future land use amendment is limited to the north and middle parcels, while the south parcel is already designated HIP-Airport. The requested Future Land Use Amendment would create the potential for airport related commercial/industrial development located on all three parcels of the subject property.

Looking at the future land use amendment criteria, Staff would note that the subject property lies between the airport to the west and existing HIP-Airport lands to the east and is consistent with the character of the area.

Public facility use is projected based on a nonresidential floor area ratio of 1.0 and the amendment is not expected to generate impacts on recreation mass transit or school facilities.

The City of Sanford has provided a letter indicating it has capacity to serve the site. However, it has not provided level of service or detailed capacity information regarding potable water and sanitary sewer service. This information will have to be available prior to Final Engineering approval of the development.

He further stated that while the HIP-Airport future land use permits residential uses, the applicant's stated intent is to develop the site in commercial, hotel/motel, and office uses. The project has the potential to create job growth and reinforce economic development around the airport. The proposal would support the Regional Growth Vision by providing employment centers close to residential areas north of SR 46.

Staff recommends transmittal of the future land use amendment.

Ian Sikonia, Senior Planner - stated that the applicant's PUD zoning request indicates intent to develop the site utilizing the permitted uses of the C-3 (General Commercial and Wholesale) and M-1 (Industrial) zoning districts. The maximum allowable building square footage for this site will be 1,208,790, which is permitted under the HIP-AP Future Land Use designation, which is a FAR of 1.0.

This proposed rezoning to PUD allows the applicant to submit a Preliminary Master Plan, which doesn't require a development plan for each parcel in the rezone. This bubble plan allows the applicant to finalize their specific development and site layout

at the Final Master Plan stage of the process. However, the applicant proposes to change the zoning and land use in order to develop a light industrial and commercial development in close proximity to the Orlando/Sanford International Airport.

Some of the details of the Preliminary Master Plan proposed are 10 foot external buffers containing a mixture of canopy trees and hedges. The Plan also proposes cross access between tracts of the PUD and five access points along the road frontage. The setbacks for the plan along the frontage of the lots are 25 feet and a maximum building height of 35 feet has been established for the entire development.

This area of the county has been transitioning from agricultural and single family home uses for the past several years since the extension of East Lake Mary Boulevard. Some of the rezones that were recently approved are the Champion Steel PCD, Moores Station Road PCD, and the MGM Industrial Park PUD. The previously stated PCD and PUDs allow for similar industrial uses and all have been approved in the last two years. The current application is located in a transitional area of Seminole County where the established Future Land Use designations support airport-related uses and higher intensity developments. Staff finds that the proposed rezone is compatible with surrounding area and is consistent with the current trends of development of the area.

Staff has received no letters of support or opposition to the proposed PUD major amendment and recommends approval of the rezone request.

Hugh Harling, applicant - stated that he represents the owner Mrs. Ann Takorian and agreed that this area is in transition. He pointed out a new service station that was recently built in this area and stated that is property is in line with runway 927 at the airport. He also pointed out where the noise contour (from the runway) comes into the residential property. They have chosen to go with property designed to create what they think will be economic jobs for the area and agree with staff recommendations.

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

A motion was made by Kimberly Day, seconded by Rob Wolf, to approve this request. The motion CARRIED by the following vote:

Aye: 7 - Matt Brown, Vice Chairman Melanie Chase, Michael Bowdoin, Dudley Bates, Kimberly Day, Chairman Walt Eismann, and Rob Wolf

Break from 7:00 p.m. to 7:07 p.m.

F. San Pedro Center Large Scale Future Land Use Map Amendment and Rezone; Diocese of Orlando, applicant; 470 acres; Large Scale Future Land Use Map Amendment from Low Density Residential to Planned Development and rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the west side of Dike Road, between Howell Branch Road and Red Bug Lake Road. (Z2009-25 / 09FLU.01)

**District 1 - Dallari
Tina Williamson, Assistant Planning Manager**

Jeffrey Hopper, Senior Planner – stated that the applicant is proposing a mixed-use development with commercial, age-restricted residential and Spiritual Center components. The development program includes:

- 900 independent living units*
- 450 beds in an assisted living facility*
- 150 beds in a skilled nursing facility*
- 110 hotel rooms*
- 225,000 square feet of commercial uses*

In addition, the existing Spiritual Center would be expanded by 50,000 square feet and a cemetery expansion would provide 75,000 square feet of support uses.

A request for Planned Development future land use is a unique situation in which Comprehensive Plan concerns are addressed through the specifics of a site plan and development order approved through the Planned Unit Development Zoning District. He stated that he will be outlining some of the major Comprehensive Plan issues and Tina Williamson will discuss how these issues are being handled through the rezone process.

One of our concerns under the Plan Amendment Standards of Review is whether the proposal is consistent with the character of the surrounding area. The property is mostly vacant and could be considered pastoral, but is surrounded by suburban-type residential development.

The higher densities of neighboring areas may justify higher densities and intensities on this site, as long as there are adequate measures to protect nearby properties. The Planned Development future land use gives us the opportunity to have special standards like buffering, setbacks, height limits, and other measures to make the project compatible with its neighbors.

The residential and commercial aspects of the development would not have quite the same impacts on the community as an ordinary project of its size. This is because it is geared toward a special needs population; people who are not necessarily leaving the site on a daily basis. Commercial uses would cater to these residents and their families more than to the general public.

Based on the information submitted by the applicant, it appears that all public facilities are adequate to meet the needs of the development. However, the range of possible uses on the site makes this hard to predict. The applicant's demand estimates for water and sewer capacity should be adopted as project maximums.

There is an additional concern with mobility, the opportunities provided for residents to move freely throughout the project by walking, bicycling, or by using special vehicles like electric carts. The mobility issue also includes off-site access to transit facilities.

From a Comprehensive Plan standpoint, the proposed future land use amendment would make efficient use of a large area of low-intensity development surrounded by greater densities. This can be appropriate with an effective program of safeguards that protect surrounding properties from potential impacts like noise and traffic. Proposed commercial uses are consistent with this idea if they are oriented toward serving the needs of the resident of the development.

Staff recommends transmittal of the future land use amendment.

Tina Williamson, Assistant Planning Manager – stated that while the proposed maximum square footages for each component as outlined by Mr. Hopper and as listed in the table in the staff report, the applicant is requesting flexibility in the future to trade off the density and intensity of approved types of uses, depending on the market conditions at the time of Final Master Plan approval. Staff has no objection to this request subject to the following conditions of approval in the attached Development Order:

- *At the time of Final Master Plan approval, the applicant may trade-off density and intensity between the approved types of uses in Villages 1 and 2, if the applicant submits Public Facility Impact calculations for each type of public facility with Level of Service (LOS) standards in the Comprehensive Plan, demonstrating that the Public Facility Impacts for each proposed trade are equivalent or less than the approval Development Program.*
- *Each proposed trade shall be reviewed and approved by the Development Review Committee and the Board of County commissioners during the Final Master Plan process.*

The subject property is located in the Dense Urban Land Area (DULA) as designated in the Comprehensive Plan and is surrounded by residential developments, ranging from a minimum lot size of one acre to a minimum lot size of 4,5000 square feet. There is also C-2 (Retail Commercial) zoning located immediately across the street, on the south side of Howell Branch Road. The proposed PUD will provide a range of age-restricted housing opportunities, along with support office and commercial uses that will have the potential to decrease automobile trips by providing services in close proximity to housing. In order to enhance compatibility with the adjacent residential uses, the PUD will have a 100' height buffer adjacent to all existing residential uses, in which building heights will be limited to 35' and a maximum of two-stories. The PUD will also have a network of pedestrian connections linking all the villages and the conservation area (The Preserve) adjacent to Lake Howell. The pedestrian connections may also be used for small motorized vehicles, such as golf carts if appropriately signed as stipulated in the Development Order.

In order to ensure compatibility with the surrounding area and to ensure that future commercial uses are designed to support the adjacent neighborhoods, Staff is recommending the following condition of approval contained in the attached Development Order:

- *The maximum size of any one commercial space shall be 40,000 square feet, except for a hotel, which is permitted to have a maximum of 110 guest rooms.*
- *For all commercial buildings exceeding 25,000 square feet in floor area, the developer shall provide renderings to be reviewed and approved by the Board of County Commissioners as part of the Final Master Plan. Such renderings shall demonstrate:*
 - Compatibility with nearby residential neighborhoods*
 - Architectural consistency with the rest of the development*
 - A façade design that includes a color, texture, and/or material change at intervals of no greater than 30 feet*

The applicant is requesting waivers from the Active/Passive Buffer Setback Design Standards per Section 30.1232 of the Seminole County Land Development Code. The specific buffer types, locations and widths are as outlined on Sheet 8 of the Preliminary master Plan. For Buffers "A", "B", "C", "D", "F" and "G", in places where the

natural vegetation does not meet 100% opacity, it shall be supplemented with a screen wall, berm or combination of screen wall and berm. The final determination on supplementing the buffers must be approved by the Board of County Commissioners during the Final Master Plan process.

The applicant is also requesting that internal buffers and setbacks be determined and approved at the time of Final Master Plan approval. Staff finds that the proposed buffering plan is compatible with the surrounding area.

For the record, a copy of written public input received after the agenda package was mailed, was provided to each Commissioner and the Clerk prior to the start of the meeting.

Staff recommends approval of the rezone request as well as transmittal of the Large Scale Future Land Use Amendment.

Sister Elizabeth, Chief Operating Officer for the Diocese of Orlando – stated that this land is an asset of the Catholic Church and has not been used to the fullest extent. They would like to development this project to not only enhance the neighborhood but to enhance the lives of seniors who will enjoy the beauty of the property in a residential community that will be respectful of them and allow them to age in place. It will provide an array of services so they will not have to leave to get the services they need. They can have the different aspects of health care that they need right there for their own comfort and pleasure.

The church has been waiting for the right time to do a project that is fitting for this land and fitting for the mission of the church. They want the capacity of the land to cater to both the ones who live there and also to preserve the environment. Their mission is the use this land for the work of the church. The Spiritual Center now serves their 92 missions and parishes in many ways and it will continue to do so. They want to develop it to be of service to those who use it and to be a good neighbor. They are not looking to develop it and then walk away from it. They have been there since the 1940s and will continue to have this commitment to the community as well as the Catholic facilities that operate on the land.

They would like to expand the consecrated land for their Catholic families. To date, they do not have a Catholic cemetery and there is a great need for that. They would like to see this as the first phase and begin to serve the Catholic community in that fashion.

The residential village is multi-phased, age restricted and will compliment the church's service to their senior population by providing safe and comfortable housing, active lifestyles, the appropriate amenities, progressive healthcare within the community and will be within walking distance to the Spiritual Center.

They will focus on enhancement of the beauty of the land with a project that is sustainable and in harmony with the land and will provide a park-like setting to the residents and to anyone who visits them.

The cemetery will be a beautiful area and there is a lot of green space in their plan. They did meet with the surrounding neighbors and tried to incorporate some of their requests into this project concept.

Javier Omana, Project Manager – stated that the goals of the property were to expand

the existing San Pedro Spiritual Center, expand the existing cemetery and create a continuing care integrated residential village for residents over the age of 55.

Their project will have sustainability, smart growth and green construction and technology by:

- Not creating urban sprawl, not expanding the urban service boundary and not requiring public funds for infrastructure improvements*
- Protecting Lake Howell and its wetland system, flora and fauna, providing generous buffers and creating a livable/walkable integrated village-like community with "age-in-place" components*
- Promoting economic and health benefits by using 'Green' principles, alternative transportation options, Xeriscape standards for landscaping, recycling and having compact building envelopes*

He advised that they had a meeting with the surrounding community on December 17, 2009 and discussed their concerns which included buffers, setbacks, fencing, wetlands, building heights, internal circulation, the eagle, Lake Howell and the timing of this project.

Referring to the maps on the overhead, Mr. Omana pointed out and described all of the proposed areas of development and those that will be preserved. He also pointed out the new buffers that they want to amend from their September application based on the input they received from the neighbors during their community meeting:

- Buffer A – along the western side of the property, they are proposing, from the property line inward, a 75' buffer of undisturbed property. The next 75' will allow for buildings no higher than 35'. The remaining 50' will allow for no more than 4 story buildings and 55'. They have increased the natural buffer along the property line*
- Buffer B – along Howell Branch Road, will adhere to the Lake Mary Corridor Design Standards which call for a minimum of 15', average 25' of buffer, and a building zone that extends from the property line inward 100', allowing for no more than 35' in height*
- Buffer C – will be 50' of undisturbed property, then 150' of cemetery use and the next 50' will allow for buildings no higher than 35'*
- Buffer D – will also be 50' of undisturbed property*
- Buffer E – along Dike Road, will be 20' of undisturbed buffer*

He also showed the proposed uses within Village 1, Village 2, Cemetery 1, Cemetery 2, the Spiritual Center and The Preserve itself, which is approximately 468 acres.

In closing, he stated the project attributes and since they have increased the buffers beyond the County's minimum standards, they would like to amend their maximum building height from 65' in the interior of the property to 120'.

Commissioner Eismann – asked Mr. Omana to clarify the commitment they made about the building height.

Mr. Omana – stated that their original application requested a maximum building height of 65' and they would like to amend that to 120'.

Commissioner Eismann – a maximum building height of 120'? Is that what's in the plan right now?

Mr. Omana – no, in the plan right now, its 65' but they want to amend it to have a

maximum building height of 120'

Alberto Bustamante, Land Use Council for the Diocese – stated that when this project came before the Commission in 2006/2007, they were not prepared and did not have their mission clearly defined. They have listened to the neighbors who are concerned that this property will be purchased by a new company and turned into a development that would not be acceptable. He wanted to assure the neighbors that the property will always be owned and run by the Catholic Church. They have done everything they can do to preserve the Lake Howell area which includes no public boat access, and to preserve the wetlands associated with the lake.

He stated that when they had their community meetings, they still had the original buffer lay-outs. After the meeting, they took all of the concerns of the neighbors and amended their proposed buffering to expand it so that they could enhance the buffers with native species, have more opacity and have a 'farm-like' fence.

The cemetery is broken down into Cemetery 1 and Cemetery 2. They will be located in the 70 acre east boundary. Part of the reason it is broken up that way is because it will take several years to fill 70 acres and grow into the property. Cemetery 2 has the ability to be converted to Village 2 commercial uses if the cemetery isn't viable after 50 or so years. The Diocese would like to see the access into the cemetery be a very 'nature-like' drive.

The applicant has modified Cemetery 1 so that it goes all the way to Howell Branch so that the neighbors will know that there will never be commercial development right up to their property.

He stated that they want to be good neighbors but have a mission to accomplish and they have the right plan now.

Commissioner Brown – for clarification purposes, wanted to make sure he understood the changes on the following items:

- Amending the maximum building height in the interior from 65' to 120'*
- Buffer A – a 75' building setback (undisturbed natural buffer)*

Mr. Bustamante – stated that those are all correct. They have made it a little more consistent on the boundary so there are less buffers on the new schedule.

Commissioner Wolf – stated that what the Commission would like to know is what changes have been made from the original packet that they received.

Commissioner Brown – on Buffer B it suggests a maximum landscape buffer of 15 to 25'. So have they just relabeled these?

Mrs. Williamson – advised that they have changed the lettering and what is in the Development Order in their packets is not correct. They are proposing something new.

Commissioner Eismann – asked if the Board could have copies of the new document.

Commissioner Wolf – stated that the Board has heard about changes to some of the setbacks and changes to the building height. Are there others?

Commissioner Eismann – stated that a fence or wall was mentioned also.

Mr. Bustamante – stated that it is all on the new schedule.

Commissioner Eismann – advised the applicant that when significant changes are made, the Board needs the opportunity to review the document beforehand.

Mrs. Williamson – advised that staff will make copies for the Commissioners immediately.

Commissioner Brown – stated that when the Board makes their motion which contains a Development Order, he wants to make sure they have the correct information in that Development Order.

Commissioner Wolf – asked if the applicant discussed the increase of 120' in building height with the neighbors when they had their community meeting.

Mr. Bustamante – advise that they did not.

Mr. Omana – stated that the new document is a result of listening to the neighbor's concerns and trying to implement some of their requests.

Mr. Bustamante – advised that when they met with the neighbors, they did not talk about the actual building limit. He was asked specifically about the building height and he told them that they did not know yet what that limit was going to be. They were very concerned about their line of sight outside their backyards. What the applicant is trying to do now is to concentrate the development to preserve as much green space as possible.

Commissioner Bates – so there is no bed increase, you are just moving up instead of out?

Mr. Bustamante – that is correct.

Commissioner Bates – asked how the applicant came up with or established the target or need for the following numbers:

- 900 units for independent living*
- 450 for assisted*
- 150 for skilled nursing*

Mr. Bustamante – stated that it is very difficult to estimate the demand in this current environment, but they did do an analysis of those types of developments that were similar to this project. He further stated that the retail component of this development will be available not only to the residents but to the neighbors as well.

Commissioner Bates – regarding the assisted living portion of this project, asked if the projected use was independent of any governmental input, such as HUD? No state or federal guidelines that have to be met?

Mr. Bustamante – stated that there are guidelines that apply to those uses, but not as far as the planning process goes and they don't have at this time a particular product or project that they know is going to go there. During the planning phase, they are not contemplating those elements at this time.

Commissioner Brown – stated that now that the Board has received a copy of the

amended document, he assumes that this would be considered the new record.

Mr. Bustamante – stated that they would like to introduce the new document into the record.

Commissioner Brown – asked if there were any other changes besides the building height, the buffers and the type of fencing in the Development Order.

Mr. Bustamante – advised that he does not think so.

Commissioner Eismann – asked if Mr. Bustamante could elaborate on the fence – do they want to remove the wall and put in a 3 board fence?

Mr. Bustamante – stated that they would like the ability to do that but would do whatever the Commissioners want, but they felt like the neighbors would want to see something different.

Commissioner Eismann – asked which border the fence will be on.

Mr. Bustamante – stated that they are proposing split rail fencing along the east and west boundaries. He advised that it is up to the neighbors also.

Commissioner Chase – asked staff to make a copy of the amended document available to the audience in the front lobby.

John Horvath of Winter Park – stated that he is a longtime resident in this area and has watched it grow. He believes you can't stop growth and hopes that the Catholic Church sticks with the proposed plan.

Sylvia Bishop of Winter Park – stated that she is the President of the Sanctuary at Lake Ann HOA and it is a small community of 8 homes. They are adjacent to San Pedro where Village 2 is proposed. She stated that they are in favor of this project, but are concerned about the increase in traffic, their safety if a commercial project comes in, the noise level from a commercial project, protection of their lake and the flora and fauna that inhabit the property.

Robert Ford of Winter Park – stated that he is a longtime resident and is happy that the applicant did listen to the residents because he can see that they have implemented some of their suggestions. He is very concerned about the increase in the building height from 65' to 120', the proposed uses for Cemetery 1 and the fence issue. He does not want any kind of fence. He has a barbed wire fence now and would be happy if it stayed that way. He stated he is in favor of this project except for the buffers and the increase in building height.

Commissioner Eismann – listed the members of the audience that are opposed to this project but did not want to speak – Monica Zwick, Paul Canney, James Hughes, Dana Hughes, and Jack Millner – and advised that he will pass their comments around to the other Commissioners.

Cynthia Hasenau of Winter Park – stated that she was concerned about the building height at 65' and is very concerned now that it is being changed to 120'. She is also concerned about the amount of traffic that a continuing care facility generates; the proposed buffers and whether an access road to this property would go through Lake Ann Estates. They do not want an access road through their subdivision. She

requested that the Commission table this item so that they could have more time to review the paperwork.

Michelle Hummel of Winter Park – stated that she can see the church from her house and she is very concerned about the cemetery being placed behind her house. She does not want to see mausoleums. She is also concerned about the lighting that goes along with cemeteries and mausoleums as she currently enjoys the darkness behind her home.

Beverly Myers of Winter Park – stated that she can see San Pedro from her back yard. She is concerned about the buffers and would like them to be passive only and be equal for all adjoining neighbors; the fact that Cemetery 2 could turn into Village 1 or 2; the size and need of the proposed commercial space; the need for a 110 room hotel; the apartments associated with the assisted living and the 120' building height request.

Ken Terrell, Chairman of the Friends of Lake Howell – stated that they are against any public access to the lake; the change from low density to high density; the project being based on the 25 year flood event instead of the 100 year flood event and the reconstruction of the internal wetlands. They are concerned about the protection of the eagle that resides on the property and would like to see the proposed conservation easement put into place.

Kathleen Frankenberger of Winter Park – stated that she is concerned with the increased flooding that will happen in her neighborhood if this project is developed. She further stated that she believes the proposed plan is very vague and it will impact the surroundings neighbors even though the Diocese says it will not. She would like to see this item tabled until the applicant can come up with a more concrete plan.

Chris Paul, Attorney for a neighbor adjacent to this property – stated that he believes the implementation of the mission and goals listed by the applicant are not consistent with the Comprehensive Plan. He further stated that on the current Development Order (the one contained in the agenda), it states that Cemetery 2, which is adjacent to Westdale Boulevard, is "reserved for future growth" which he interprets as additional commercial development would be allowed if Cemetery 2 is not developed. He stated that this would be a major impact on the Comprehensive Plan. He made a request to table this item.

Ronald Brown of Winter Park – stated that he believes the commercial portion of this proposed project is too excessive. He advised that he attended the community meeting and at that time, he was told that Cemetery 2 would only be developed as a cemetery and questioned why it is zoned for commercial use. He believes many of the neighbors believe that it will always be a cemetery and now they find out it could be commercial. He also questioned why the assisted living is in phases and stated that it should be in timing with the residential uses.

Egerton Van Den Berg of Winter Park – stated that his common boundary with this project is 2,000 feet and his property will be the most affected by this development. He believes the PUD and the proposed plan is too vague. He stated that the proposed plan is inconsistent with the established uses in residential neighborhoods. He is concerned with the increase in the building height and he doesn't believe the buffers are generous as the applicant claims. He requested that this item be tabled.

Break from 8:40 to 8:47 p.m.

Mr. Bustamante – in response to all concerns heard tonight, he would like to state the following:

- *Uncertainty of application – they have met all the requirements that are necessary at this stage of the process. It is a long process and there will be additional opportunities for input from the neighbors*
- *New changes proposed tonight – all changes presented tonight move in the right direction and go beyond the requirements of Seminole County and they are happy to do that*
- *This will be the greenest project in this area, including Orange County*
- *They welcome additional input/feedback from the neighbors*
- *Increase in the building height – they did that to keep as much green space as possible. However, the numbers of the project allow them to fit what they want to fit without going to the increased building height, but what that means is there will be a little bit more cement there. He stated that they can keep the 65' now and come back to the Commission if there is a need to increase the height at a later date*
- *Infill project – they will make it the best that it can be*
- *West access – they are not proposing an access from the west. There is an access there but it is only for utility vehicles, etc. It will not be an access for the general public*
- *Hotel – the idea of the hotel was based on a needs assessment as there isn't a small hotel near this area that would be accessible to the residents. He understands the surrounding neighbors' concern about a hotel being around their house. They would be willing to put the hotel within a 250' to 300' distance from the "spine" road that goes down the middle of the project*
- *Public access to the lake – they have never proposed public access to the lake. However, they are proposing a possible park-type of area on the back side of the property but it wouldn't be for lake access, just for the enjoyment of the view of the lake*
- *Scope of commercial area – they are asking for a relatively conservative square footage. This area is a mixed use area and there will be residential incorporated in with the commercial so it will not be totally commercial*
- *Cemetery 2 property – he pointed to the area behind the neighbors to the east and ensured that this area will always be cemetery land or access to the cemetery*
- *Village 2 uses – it is possible that some part of Cemetery 2 could be used as commercial at some point in the future but this will probably be the last property developed. He then showed a rendering of the proposed town center concept*

Commissioner Eismann – advised that another concern expressed by the audience was regarding mausoleums.

Mr. Bustamante – stated that they have provided square footage in the cemetery for the use of a mausoleum. They would comply with all the required regulations. The mausoleum would probably include a chapel and will be built in a very respectful way. He further stated that the mausoleum would most likely be located in an area that is designed in such a way so that it is not right next to a residential area.

Sister Elizabeth – stated that another concern she heard was whether the mausoleum/cemetery would be illuminated at night and advised that it will not.

Mr. Bustamante – stated that the cemetery will be dark at night and access will be restricted at night also. At this time, he continued his responses to the concerns of the neighbors:

- Security – this is a high priority for the applicant and the residents to the west will continue to benefit from some seclusion
- Traffic – stated that they will be submitting all the traffic analysis and the County will have the opportunity to address this at the time of submittal
- Wetland area – regarding the wetland area in Lake Ann Estates, it will remain the same and with the natural buffer, the lake will be protected
- Water retention – stated that they will be retaining all of their water onsite by creating a storm water system

Commission Wolf – asked if the commercial development is within Village 2 or does it front Lake Howell?

Mr. Bustamante – stated that it will be within Village 2 in a town center type concept with smaller stores and no “big box” stores.

Commissioner Wolf – stated that the applicant said the commercial development will benefit the residents who live there and he believes that 225,000 square feet is quite large for this area.

Mr. Bustamante – advised that it is intended so that the residents of the community would not have to go outside the area to get what they need. They will also have offices, such as doctor’s offices, which will benefit the residents of San Pedro as well as the adjacent neighbors.

Commissioner Eismann – asked staff to point out the location of the turnaround at Lake Ann that was mentioned by the audience.

Mrs. Williamson – pointed to the area on the map where they have to make a U-turn on Howell Branch Road.

Commissioner Eismann – asked for clarification for the lake access that staff recommended.

Mrs. Williamson – stated that there is a section in the Development Order pertaining to the lake, but it is restricted to a boardwalk and dock system and prohibits motorized boats.

Commissioner Brown – pointed out in the Development Order that it states access to Lake Howell Lane is for emergency maintenance purposes, which is the back gate.

Commissioner Brown – clarified the fact that this is actually the final stage and after it goes to the Board of County Commissioners, the citizens will not have an opportunity to have input regarding this matter.

Alison Stettner, Acting Director – advised that this is at the transmittal stage and there will be several public hearings to follow before it is finalized.

Commissioner Wolf – stated that he believes this is a well-planned out retirement development and it is something that is needed in our community.

Commissioner Eismann – stated that he believes this will be a good project.

Commissioner Brown – stated that he believes the hotel is an excellent idea and agrees with the stipulation that the building height be restricted to 65’.

A motion was made by Rob Wolf, seconded by Kimberly Day, to approve this request with the following stipulations as shown on the revised plan:

1. The additional buffers as provided by the handout entered by the applicant at this meeting
2. Maximum building height of 65'
3. The hotel will be located within 200' of the spine road

The motion **CARRIED** by the following vote:

Aye: 6 - Matt Brown, Michael Bowdoin, Dudley Bates, Kimberly Day, Chairman
Walt Eismann, and Rob Wolf

Nay: 1 - Vice Chairman Melanie Chase

G. Amendment to the Rural Boundary Map, Rural Area Legal Description, Urban/Rural Boundary, and Snowhill Road Large Scale Future Land Use Map Amendment; Buchholz Management LLC, applicant; 34.012 acres; Text Amendment to the Rural Boundary Map as referenced in the Seminole County Home Rule Charter (09S.TXT08); Rural Area Legal Description as referenced in the Seminole County Home Rule Charter (09S.TXT09), and Urban/Rural Boundary as referenced in the Seminole County Home Rule Charter (09S.TXT10), and Large Scale Future Land Use Map Amendment from Rural-5 to (COM) Commercial; located at the intersection of CR 419 and Snowhill Road (Z2008-64 / 09FLU01);

**Commissioner Dallari - District 1
Tina Williamson, Assistant Planning Manager**

Dick Boyer, Senior Planner – presented this item and stated that the subject property is within the east Rural area and contains approximately 34 plus acres and is located at the intersection of CR 419 and Snowhill Road. The 34 plus acres, if developed at the maximum Floor Area Ratio (FAR) permitted under the commercial Future Land Use designation, would result in approximately 518,000 square feet of commercial development.

The East Rural Area was first established in the Seminole County Comprehensive Plan in 1991 as a result of the East Seminole County Rural Area Plan. The East Rural Area is distinguished from the Urban Area by an Urban/Rural Boundary line. The 1991 amendment to the Comprehensive Plan created and assigned Rural Future Land Use Designations and zoning classification to the East Rural Area, which, along with the Rural Subdivision standards and other Plan policies, preserve and reinforce the character of the East Rural Area.

In 2004, Seminole County voters approved a referendum that established the East Rural Area and a Rural Boundary in the Home Rule Charter through a map and legal description in the Comprehensive Plan. The Charter Amendment stated that for the legally described area, the Seminole County Future Land Use designations shall control the density and intensity of development in the East Rural Area.

The property is located within the area of the Seminole County and the City of Oviedo Joint Planning Agreement, entered into in October of 2006. At the time of the agreement, the majority of the subject property was included in an area defined as "Transition Area 2". The County and the City agreed to work together to define development standards the designated Transition Areas in the future.

It was later jointly determined that "Transition Area 2" should remain Rural in accordance with the Seminole County Comprehensive Plan, rather than pursue planning for potentially more intense uses.

On March 7, 2008, the Joint Planning Agreement between Seminole County and the City of Oviedo was amended to remove the "Transition" designation from that area.

The City of Oviedo has submitted a letter in opposition to the proposed amendment. The letter cites four issues regarding the following:

- The size and scale of the proposed development as not being consistent with the development in the area*
- The applicant's analysis is based on a property size of 31.7. However, it appears that a total of 34 acres may need to be amended, further increasing the impact*
- The lack of a land use transition between the Rural Boundary and the Urban Boundary*
- The City's requirement that the Applicant annex into the City prior to beginning the development review process if their intent is to receive City services*

Staff's review of the application for compliance with adopted standards of the Comprehensive Plan are as follows:

- Amendment of the Urban/Rural Boundary requires an affirmative demonstration of need to expand the urban area.*
- The Applicant's study entitled "Market considerations Associated with Buchholz Amendment" primarily deals with projections of consumer demand based on growth in the area that exceeds what is allowed under the Comprehensive Plan for the area. The study does not evaluate whether this demand can be met by existing and potential commercial uses of land already within the Urban area. Therefore, a demonstration of need is not met in the affirmative.*
- Amendment of the Urban/Rural Boundary requires that a demonstration of availability of facilities and services capable of serving the proposed development be affirmatively met.*
- Regarding central water service, a letter from the City of Oviedo raises a number of issues previously mentioned and in need of resolution prior to the provision of water to this development*
- Regarding central sewer service, the Applicant has identified Alafaya Utilities as the most likely provider of sanitary sewer service. However, no statement from the utility has been submitted demonstrating an ability to provide this service*
- The water and sewer service areas of the two local private utilities in this area would require amendment through the State.*
- The application includes an environmental analysis indicating that wetlands located on the subject property will most likely be handled through a mitigation bank within the*

local area.

This is in conflict with the County's requirement that if an amendment to the Urban/Rural Boundary is approved; such developments shall avoid impact to wetlands to the maximum extent possible by utilization of clustering and other special techniques.

The application does not address how wetlands and uplands would be protected, retained or improved.

• *If the application were approved, there exist two properties in the East Rural Area that are not included in the application but that would end up being disconnected from the East Rural Area and being surrounded by the Urban Area. These properties would need to be involuntarily brought into the Urban Area and their Future Land Use designations and zoning administratively changed.*

• *The Seminole County Sheriff's office submitted comments indicating that, due to the anticipated increase in the number of calls for service in this area, additional deputies may be needed to patrol in this Community Service Area, which would have a direct impact upon the Sheriff's Office budget.*

• *The submitted application does not address how the proposed amendment to Commercial land use will incorporate the compatibility criterion for sensitive design standards as required by the Comprehensive Plan*

• *Two of the four key points for the Central Florida Regional Growth Vision are entitled "Countryside" and "Centers":*

The two together point towards a direction of hamlets, villages, towns and cities that are compact, dense, and provide services in the immediate area. This development would be outside a defined area.

The proposed amendment would create the largest single piece of commercial development east of the Econlockhatchee River and Lake Jesup in Seminole County.

The subject property is not identified in the Vision as a core to any future Center and is clearly outside the County's most urbanized areas and the city limits of the nearest municipality.

A copy of public input in opposition to these changes, which was received by the County since the agenda packets were mailed have been provided to the Commissioners and the Clerk.

Staff recommends these amendments be denied for transmittal to the Department of Community Affairs based on Staff findings which include:

• *A failure of the Applicant to provide a valid demonstration of a need to expand the urban area of the County*

• *A lack of information regarding the availability of central water and sewer services, which are both requirements of the Seminole County Comprehensive Plan*

Ken Hooper of PEC – introduced the owners of the property as well as the attorney and consultants for this item. The location of this project is a key component and the Snowhill Road bypass did not exist when this area was determined to be "rural". This property was originally a 40 acre, single tract and then it was divided into multiple parcels and bi-sected and became the intersection of 419 and Snowhill Road. It became a signalized, major, arterial, collector road network intersection. It meets all

the criteria of an urban road network. It has sidewalks, lights, closed drainage and is an urban setting at an intersection. He pointed out on the map that the City of Oviedo practically surrounds the property.

They have been in front of the City of Oviedo and he stated that if this were to be developed in the County, it would be a very difficult task. They are requesting to amend the Rural Boundary and the future land use from Rural to Commercial.

He stated that their plan is as follows:

- *Amend the Urban/Rural Boundary, obtain Commercial land use and be committed to Commercial PD zoning*
- *Once approved, annexation into the City of Oviedo*
- *Receive water and sewer from the City of Oviedo*
- *Develop a commercial shopping center with "Publix" quality tenants and supporting out parcels*
- *Capping the maximum density of 300,000 square feet*

He gave a history of the property and how the Urban/Rural Boundary was created and amended in 1999. He also showed progression aerial maps of the area from 1989, 1995, 1999, 2004, 2006, 2008 and 2009.

He pointed out their property on the map and stated that it was a small enclave that is pinched between the Urban/Rural Boundary on both sides and it abuts a major four lane road. He stated as a planning professional, that line should not include that kind of an enclave. A rural boundary is going to follow a lake shoreline or a river. It is not very useful if it follows a road. One side of the road is commercial (as it is today) and the other is rural. He believes that does not make good sense. There should be a transition.

He pointed to the map as a whole and stated that it follows the St. John's River, then the shoreline of all of Lake Jesup and then it comes around and protects Black Hammock – all of which are not defined by roads. Only when it gets to 419, does it actually switch back and forth of a major four lane, urban designed road network which he believes is a major problem.

He stated that this problem has been created by the City of Oviedo who has allowed development to occur around it and up to it. The County has allowed the road to be four-laned, put in the Snowhill Road bypass and left a piece of property that he believes probably should have been taken care of when the 1999 amendment was done.

He showed a map of how the area looks today and pointed out the areas that are complete and the area that is inside the City of Oviedo that has been approved for commercial (a 800,000 square foot approved PUD that is part of a DRI) which leads right up to the subject property.

He stated the differences between the elements of rural and urban as defined in the Seminole County Comprehensive Plan and the Land Development Code and then compared those with the elements of the subject property. The elements of the subject property are as follows:

- *Within the water and sewer service area*
- *Has a zoning of A-5 (Agriculture). However, the tax bill states that is it "non-agricultural acreage"*

- *Limited, poor quality, disconnected wetlands, less than 3 acres (which the Applicants are willing to mitigate to enhance better quality wetlands or protect them, whichever the County requires)*
- *Roads are CR 419 and Snowhill Road*
- *Area surrounded by large housing subdivision directly across CR 419*
- *Population – 3-mile radius in the 1990's was 5,000, in 2008 it was 26,000. A 5-mile radius in the 1990's was 21,000, in 2008 it was 61,000*

He showed an urban lands map and pointed out the areas that are 5 acres or less and stated that they are surrounded by what is defined as an urban area. He also pointed to Chuluota and stated that the Chuluota area is not a rural area. He believes that as the area changes, there is a need to move the Rural Boundary and the need to allow property owners to get the highest, best use of the property.

He stated that the similarly situated surrounding property have changed to urban uses; the road network supports urban uses of the intersection and the Rural Boundary is no longer an accurate depiction of the CR 419/Snowhill Road intersection.

He showed a map of all of the commercial and office properties in this area and pointed out the closest commercial property which is 80,000 square feet that is directly across from the subject property.

He stated that in the Comprehensive Plan, it requires an applicant to prove and demonstrate a need in all of the urban area by showing that there isn't enough property available for commercial. He believes this causes an unfair financial and technical burden on any property owners seeking to amend the Urban/Rural Boundary and these requirements exceed the criteria for a DRI.

In closing, he stated that he believes they have demonstrated the need of 300,000 square feet, that water and sewer is available subject to annexation, there is no need for public schools as this will be a commercial area and there are less than 3 acres of poor quality wetlands, no flood plain and good soils. He stated that the only real issue is the Urban/Rural Boundary.

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

Commissioner Eismann – for the record, listed the members of the audience who are opposed to this project but did not wish to speak – Stan Stevens, Wayne Roth, Ronald Capstraw, Judi Porter, Karen and Paul Ozolnieks, Frederick Corbett, Dori Sutter, Rita Fuston, Mal Martin, Mary Jo Martin, Reno Mussatto, Stan Toledo, Jessie Harrelson, Frank Woods, Gina Mejia, Lina Hernandez, Ana Curtis, James Adams and John Break – and advised that he will pass their comments around to the other Commissioners.

Jeff Abbott of Oviedo – stated that he believed the Applicants should be part of the JPA with the City of Oviedo before any development started pursuant to the Seminole County Rural Area Issues, Objectives and Implementation Tools that he got off the web. He also believes they should coordinate this plan with the City of Oviedo up front.

Steve Edmonds of Oviedo – stated that he finds it odd that the Applicant assumes the City of Oviedo would want them to annex and if they did, this would have to go through the City's processes. He stated that there are several commercial developments that need to happen in the City of Oviedo before they look at other alternatives. He

believes the boundary line is there for a reason – it has to stop somewhere.

Jesse Blovin of Chuluota – stated that the Urban/Rural Boundary was the will of the people. It can be surrounded by DRIs and PUDs, but that is the beauty of this property. This does not have to be a commercial development; it can be a residential development. He believes this location is not the location for commercial. They have over 875 petitions from neighbors who are opposed to this change. They want to preserve what they have out there and do not want to see this project approved.

Kelly Sullivan of Chuluota – stated that she is a member of the Board of Directors for the Osprey HOA and the Friends of Locally Owned Water Flow. She believes the Rural Boundary should stay and not be moved. They moved there because they want to live in a rural setting. She advised that they collected monies to put up a billboard on 419 which states that Chuluota wants control of their water and wants to maintain the Rural Boundary.

Ronnie Hawkins of Chuluota – stated that she is opposed to this project and the moving of the Urban/Rural Boundary.

Leo Cruz of Oviedo – stated that this development is not needed and market support is not there. He believes there are a lot of vacant retail opportunities available to the Applicants without having to move the boundary and if this is approved, it would create suburban sprawl.

Vicki DeSormier on behalf of the Sierra Club – stated that they are opposed to changing the boundary.

Christopher Stapleton of Geneva – stated that he is the President of the Rural Heritage Center and they are opposed to this project. The intersection is the gateway to the rural area. The rural area is a jewel of Seminole County and should be preserved. He believes that this request is not a benefit to the residents of Seminole County, it will be a burden.

Rocky Harrelson of Geneva – stated that the Rural Boundary is not the protector of the Black Hammock as mentioned by Mr. Hooper. He said that Mr. Hooper pointed out a large piece of commercial property adjacent to the subject property and believes they could have their development in that location instead of moving the boundary. He asked that the Board remember that the citizens of Seminole County voted that boundary in and vote against this project.

Don Peterson of Black Hammock – stated that when the citizens voted in the Urban/Rural Boundary, they believed that it was forever. It was not meant to be changed at the will of the powerful. This project is not good for the community. He believes that a land owner should be able to sell their property for a profit but not to the disadvantage of others. The citizens do not want it or need it and request that the Board deny this application.

Kathleen Corbett of Chuluota – stated that she agrees with the previous speakers and would like to see it left as it is.

Vicki Nelson of Chuluota – stated that she has lived in this area for 20 years and is faced with the fact that she might be looking at a big shopping center in the future. She is concerned about crime, light pollution and noise with the sound of trucks at all hours. She is opposed to this project and would request that the Board vote against it.

Richard Creedon of Geneva – stated that he is the President of the Geneva Citizen's Association and Co-Chairman of the Eastern Seminole County Rural Lands Coalition. Seminole County has committed over 40 million taxpayer's money towards the construction of the Sun Rail infrastructure. The success or failure of Sun Rail depends on the ability of the County to encourage and concentrate new development in close proximity to our new Sun Rail stations. He believes that if this project is approved, it will put all of the citizens at risk as Sun Rail will fail. He further believes that there is no need for commercial development on these corners as there is already a large vacant piece of commercial property on the other side of CR 419.

He stated that in 2004, the citizens voted to preserve the rural area by creating a fixed boundary between the urban and rural areas and hopes that the Board will vote no.

Stanley Stevens of Chuluota – for the record, turned in over 826 petitions from the Chuluota Community Association in opposition to this request and asked that the Board vote no.

Tom Shafer of Geneva – stated that he believes CR 419 should be the logical boundary for the rural district.

Judi Porter of Chuluota – believes we should keep Seminole County as "Florida's Natural Choice" and stop the idea of build, build, build.

Deborah Schafer of Chuluota – stated that she is the acting President of the Chuluota Community Association. She stated that in 2003, this property went before the City of Oviedo to be annexed and it was a 7 – 0 vote to deny the request. She advised that she called representatives of Publix and Albertson's and they stated that they were not interested in this project due to the amount of opposition to it.

She stated that the Chuluota neighbors are not against commercial development where it is appropriate in the rural area. There is an urban corridor in Chuluota; but everyone who lives there thinks they are rural.

She stated that Mr. Hooper said this was because of water when there is water in the Black Hammock and Geneva and both have utilities.

She stated that the vision for this area was to always remain rural within the Rural Boundary as stated in the "How Shall We Grow" and in the Comprehensive Plan, both adopted by the Board of County Commissioners.

In closing, she stated that they chose to live in a rural area surrounded by the beauty of Seminole County where they can enjoy a rural lifestyle and request that the Board vote no.

Commissioner Eismann – advised that there were four speakers who were in favor of this item but did not wish to speak – Lina Hernandez, Ana Curtis, James Adams and Gina Mejia. He included them in the list of those opposed in error.

Mr. Hooper – stated that the comment about the JPA with the City of Oviedo is accurate. If this project was developed, it would have to go back through the process and be modified with Oviedo. It takes steps to make this happen. He stated that there has been virtually no residential interest in this property.

The purpose of the Comprehensive Plan is to look at change and there is this little wedge that is stuck in the middle. He believes it does not make sense to think of this land as rural. It needs to be brought forward in a plan so that some entity can approve it so that it can be a viable use that supports the community.

Commissioner Day – stated that she is a strong believer in transitional areas and this area is clearly not a commercial area and is not a good example of transitioning.

A motion was made by Rob Wolf, seconded by Dudley Bates, to deny this request. The motion CARRIED by the following vote:

Aye: 6 - Matt Brown, Michael Bowdoin, Dudley Bates, Kimberly Day, Chairman
Walt Eismann, and Rob Wolf

Excused: 1 - Vice Chairman Melanie Chase

OLD BUSINESS

Planning Manager Report

Alison Stettner advised that she did not have anything to report at this time.

ADJOURNMENT

This matter was Adjourned at 10:45 p.m.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CHASE, MELANIE F.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING & ZONING COMMISSION
MAILING ADDRESS 750 INTERNATIONAL PKWY., SUITE 330	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY LAKE MARY, FL 32746	NAME OF POLITICAL SUBDIVISION: SEMINOLE COUNTY
DATE ON WHICH VOTE OCCURRED JAN. 6, 2010	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MELANIE CHASE, hereby disclose that on JANUARY 6, ~~19~~ 2010:

(a) A measure came or will come before my agency which (check one)

inured to my special private gain; or

inured to the special gain of _____, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

THE LAW FIRM OF WHICH I AM A SHAREHOLDER AND VICE-PRESIDENT WAS CONSULTED BY THE APPLICANT REGARDING THE MATTER BEFORE THE COMMISSION AND THEREFORE I ABSTAINED FROM ANY INVOLVEMENT.

JANUARY 20, 2010
Date Filed

Melanie Chase
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.