

SEMINOLE COUNTY GOVERNMENT

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



Minutes -

Wednesday, April 7, 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 Allegiance. The Chairman then introduced the Commission members and reviewed the procedure used for conducting the meeting and voting.

Staff Present

Alison Stettner, Planning and Development Manager, Acting Growth Management Director; Tina Williamson, Assistant Planning and Development Manager; Kathleen Furey-Tran, Assistant County Attorney; Lee Shaffer, Principal Engineer, Public Works Division, Kathy Fall, Principal Planner, Planning and Development Division; Ian Sikonia, Senior Planner, Planning and Development Division; Brian Walker, Senior Planner, Planning and Development Division; and Connie Devasto, Clerk to the Planning and Zoning Commission.

Acceptance of Proof of Publication

A motion was made by Matt Brown, seconded by Dudley Bates, to accept the Proof of Publication. The motion CARRIED by the following vote:

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

Approval of Minutes

A motion was made by Matt Brown, seconded by Vice Chairman Rob Wolf, that the minutes be Approved as submitted. The motion CARRIED by the following vote:

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

NEW BUSINESS

Technical Review Items:

A. Brooks Landing PSP; Lifeway Homes, LLC, Applicant; approximately 9.44 acres; Preliminary Subdivision Plan approval for a 42 Lot Single Family Home project zoned PUD; located on the southwest corner of Red Bug Lake Road and S. Citrus Road and east of Brooks Lane, in Section 19, Township 21 S, Range 31 E.

District 1 - Dallari

Brian M. Walker, Senior Planner

Brian Walker, Senior Planner, Planning and Development Division - presented this item and stated that this project consists of 42 single-family lots on about 9.44 acres and is zoned PUD.

The development will be served by Seminole County water and sewer and the internal road will be public. The Preliminary Subdivision Plan meets all applicable conditions of the Seminole County Land Development Code and the approved PUD Final Master Plan.

Staff recommends approval of this request.

Hugh Harling, Applicant - was present but did not wish to make a presentation to the Commission.

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

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

Public Hearing Items:

C. STAFF IS REQUESTING A CONTINUANCE OF THIS ITEM DUE TO AN ERROR IN ADVERTISING BY THE ORLANDO SENTINEL - ETOR PUD Major Amendment; Robert Horian, applicant; 4.07 acres; Request for a Major Amendment to the ETOR PUD (Planned Unit Development) located at the intersection of S. Sun Drive and Greenwood Boulevard. (Z2010-07)

District 4 - Henley

Cynthia Sweet, Senior Planner

At this time, Chairman Eismann pulled this item from the agenda to address the request to continue this item to the May 5, 2010 meeting.

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

A motion was made by Matt Brown, seconded by Dudley Bates, that this item be Pulled and continued to the May 5, 2010 meeting. The motion CARRIED by the following vote:

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

D. STAFF IS REQUESTING A CONTINUANCE OF THIS ITEM - Pure Living At Heathrow PUD Major Amendment; Heathrow Apartments LLC, applicant; 28.90 acres; Major Amendment to the Lakeview at Heathrow PUD (Planned Unit Development); located at 1160 Island Shore Lane, west of the intersection of AAA Drive and Stevens Pass Cove. (Z2010-08)

District 5 - Carey

Brian M. Walker, Senior Planner

At this time, Chairman Eismann pulled this item from the agenda to address the request to continue this item to the May 5, 2010 meeting.

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

A motion was made by Matt Brown, seconded by Dudley Bates, that this item be Pulled and continued to the May 5, 2010 meeting. The motion CARRIED by the following vote:

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

B. SR 436 SSLUA & Rezone; Frank McMillan, applicant; Small Scale Future Land Use Amendment from Public (PUB) to Commercial (COM) on 0.24 acres, and Rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial) on 0.73 acres, located southeast of the intersection of SR 436 and Forest Lake Drive. (Z2009-35 / 12.09SS.06)

District 3 – Van Der Weide

Ian Sikonia, Senior Planner

Ian Sikonia, Senior Planner, Planning and Development Division - presented this item and stated that the applicant is requesting this change in order to develop a commercial/office development in the future. This site was previously used as Fire Station 13 to serve the residents of western Seminole County. The structure has existed on the property since 1968 and is currently being utilized as storage space for the Seventh Day Adventist Church.

The existing zoning of R-2 (One and Two Family Dwelling) has been in place on the property since the adoption of zoning in Seminole County. This property has existed in non-conformity since the fire station was built due to the R-2 zoning district not allowing fire stations as a permitted use. However, the property does have Public (PUB) Future land Use, which allows public safety facilities as a permitted use. The proposed rezone and Future Land Use Amendment will bring the property into conformance. The request for Commercial Future Land use and C-2 zoning will not be out of character with the area due to the numerous commercial zonings and uses within the immediate and surrounding area of SR 436.

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

Frank McMillan, Applicant - stated that he represents the Seventh Day Adventist Church and they concur with Staff's presentation. He further stated this property has been owned by the Church in excess of 50 years and the fire station has been there 40 years. This property was deeded over to the old volunteer fire department of Seminole County. When the voluntary fire department merged with the County services, the title went to the County. That deed had a right of reverter in it which stated that if the property was ever not used as a fire station, it would revert back to the Florida Conference. When Fire Station 13 moved, the title reverted back to the Church and that is the reason they are looking at Lots 48 and 49. He considers this property a single parcel even though there are two separate lots. The fire station was on the east 100 feet of Lot 49 and the west 40 feet of Lot 48.

He stated that he met with Mr. Benny Tillman, Sr. and Mr. Benny Tillman, Jr. who live immediately to the south of this site. He also met with Mr. Robert Swofford who lives across Forest Lake Drive. Mr. Swofford has recently developed a very nice complex there for his antique vehicles. Mr. McMillan understands his concern that he doesn't want to lose his view over a vacant lot across the street and see it developed as commercial. However, as Staff said, the Future Land Use plan is already commercial. The fire station cannot be used for anything else other than governmental use unless that land use to changed back to commercial and then rezoned.

He stated that Mr. Swofford approached the Florida Conference a couple of years ago and offered to purchase the property. At that time, the Conference had not received its reverter back so that was put on hold. The Conference is willing to negotiate with him but at this time, they are requesting this change in land use and rezoning.

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

Robert Swofford of Altamonte Springs - stated that his family has owned the parcel immediately to the west of this site since 1951. He pointed to the map and showed the location of the building and approximately 40 feet of trees that help with the view. He stated that his picture window faces the vacant lot and he does not have a problem with commercial as long as they have a 40 foot buffer of trees between them.

He believes this is a residential area and it was not intended to have commercial across the street. He stated that both of his neighbors are also opposed to this request. He further stated that he would be agreeable to them using the existing building as long as they kept the 40 foot buffer of trees and opposes any further encroachment.

Commissioner Bates - mentioned that he believed the map on the overhead was incorrect.

Alison Stettner, Acting Growth Management Director - advised that there is a typo on the map.

Benjamin Tillman, Sr. of Altamonte Springs - stated that he lives next door to the subject property and he is here to find out what is going to be done with this property.

Commissioner Eismann - stated that he doesn't believe there is a plan for the property

at this time. They are only asking to change the zoning to Commercial as every land owner has the right to request a change in zoning and land use for their property.

Benjamin Tillman, Jr. and Sandra Tillman of Altamonte Springs - stated that he is worried about what might be put on the two parcels since his father lives next to them. He is afraid of the crime that could spill over from these lots to his father's property.

Commissioner Eismann - stated that the only thing the Commission is hearing tonight is the zoning change. They do not know what will be done with the lots at this time.

Mr. Tillman - stated that they do not want change because it would go against everything they have worked for.

Mr. McMillan - stated that he respects the position of the neighbors and wants to advise everyone that there are no plans for the property at this time. It is possible that this property will be used for school or church purposes. He further stated that in the event it is sold, everyone can look at what the Conference has done in past sales - such as the Walgreens, which was done in a very high scale. The Conference has a vested interest as they are across the street.

Commissioner Chase - stated that she believes commercial zoning is appropriate in this area.

Alison Stettner, Acting Growth Management Director - stated that during the site plan stage of development, Staff will look at all of the issues including buffering, lighting and walls. She further stated that the residents' concerns will be addressed at that time.

General discussion ensued regarding the change in this area over the past 50 years and the fact that the residents can express their concerns during the next phase of this process.

A motion was made by Melanie Chase, seconded by Matt Brown, to Approve this request. The motion CARRIED by the following vote:

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

E. Savannah Park at Heathrow PUD Major Amendment; Savannah Meridian Acquisitions Group, applicant; approximately 9.85 acres; Major Amendment to the Savannah Park Planned Unit Development (PUD); located on the west side of International Parkway, between Wilson Road and Wayside Drive. (Z2010-02)

**District 5 - Carey
Kathy Fall, Principal Planner**

Commissioner Day - stated that she will be abstaining from this item as she was contracted at one time with the applicant. She filed the appropriate paperwork with the Clerk and was excused at this time.

Kathy Fall, Principal Planner, Planning and Development Division - presented this item and stated that this PUD is the third amendment to the Savannah Park at Heathrow PUD, which was approved in 2004 and includes three parcels - Parcel A to the north,

Parcel B in the middle, and Parcel C to the south. This request is a Major Amendment for Parcel B known as "The Exchange" or the mixed use parcel.

The parcels to the north and south are a townhome development known as Savannah Park at Heathrow. The middle parcel is a mixed use of Retail, Office and Residential.

This is the third amendment to the overall development. The original PUD was adopted in 2004 and had amendments in 2007 to reduce the townhouses from 163 to 156 in the north and south parcels; and in 2008, where the mixed use portion was amended to increase the residential dwelling units from 20 to 60 units and a reduction in the required parking from 490 to 460 spaces.

The Major Amendment before the Commission at this time is to increase the residential dwelling units from 60 multi-family dwelling units that were approved in the 2008 amendment, to 114 age-restricted dwelling units. The request also includes a reduction in the retail uses from 43,534 square feet to 32,814 square feet and a reduction in office from 49,168 square feet to 44,898 square feet. This is a total of 14,990 square feet of retail and office. With this reduction of the office and retail, the applicant is able to provide the required parking for the additional 54 age-restricted dwelling units.

Staff received 6 emails in opposition to this request and copies were handed out to the Commission members prior to the start of this meeting. Staff recommends approval of this request.

Commissioner Brown - will the parking that is currently in place be disturbed?

Ms. Fall - no, they are currently providing 482 spaces and that is what is required. With the reduction of the office and retail and the increase in units, the required parking is 482 spaces and that is currently in place.

Commissioner Chase - asked for clarification as to the timeline of the amendments.

Ms. Fall - the original PUD was approved in 2004; first amendment in 2007 for the townhomes; second amendment in 2008 and tonight is the third amendment.

Commissioner Wolf - with respect to the density in parking, does Staff look at parking for assisted living or independent living in the same light as commercial projects? Are there special requirements for additional handicap spaces, wider spaces, wider sidewalks, or additional employees working at the facilities that would be needed for an assisted living or independent living facility?

Ms. Fall - advised that the request is for an independent living facility which does not require the employees that an assisted living facility would. The parking requirements are the same as a multi-family, which are the 1.5 spaces per dwelling unit.

Commissioner Chase - asked if the number of parking spaces changed.

Ms. Fall - stated that when the applicant came in for the second amendment, they were approved for the 1.5 spaces per dwelling units and that is what they are providing now. They did restriping as part of the second amendment and that is what is before the Commission tonight.

Commissioner Chase - asked if the parking around Building AA is what it is today.

Ms. Fall - stated that it was her understanding that it is exactly how it is today.

Commissioner Wolf - asked if there was anything specific in the Land Development Code regarding site plans and parking as it relates to assisted living and independent living facilities or are the parking requirements based solely on the multi-family template.

Ms. Fall - that is correct with regard to independent living facilities. For assisted living facilities, there are parking per bed requirements but that is not what is before the Commission at this time.

Commissioner Chase - asked if the whole PUD is mixed use, is different or is it just the living portion that is different.

Ms. Fall - we are talking about the 1.5 per dwelling unit for the residential. There are different parking requirements for the office and the retail.

Commissioner Chase - asked if the 1.5 surrounds the big building in the back or does it surround the whole PUD.

Ms. Fall - it is throughout the whole PUD. There isn't designated parking that says "this is for office" or "this is for retail".

Alison Stettner, Acting Growth Management Director - advised that in the previous major amendment, the applicant provided a parking study and was granted as part of that major amendment, a parking reduction based on a shared parking agreement - a parking waiver that reduced their parking to 1.5 parking spaces because of the shared uses. In other words, the multi-family was able to share the parking with the office and retail uses. The applicant was able to do a parking reduction based on the mixed use nature of The Exchange. This was part of the major amendment that was approved in 2008. The applicant is using the same reduction as part of this amendment as well.

Matthew West of the Ivey Planning Group - stated that he represents the applicants, introduced the applicants to the Commission, and handed out a rendering of the building as well as an aerial of the building known as The Exchange. Mr. West, pointing to the aerial, stated the only structure that has been built is one of the two office buildings. He further stated that all of the parking is in and the striping is at 10 foot wide spaces. However, the final lift of asphalt has not been placed due to the fact that this is normally done after all construction has been completed.

He stated that the parking lot will be re-striped to accommodate the additional parking spaces. He advised that the applicants submitted a parking study to show that when there is a mixed use environment and to keep from having to gate off any of the parking, because the idea is to share parking; the residential, office and retail parking will have different peak hour demands. For example, the residential peak hour demand will be in the early hours of the morning; the office peak hours will be mid-afternoon, and the peak for retail will be at lunchtime and in the early evening. He further advised that they have restrictions currently in place for the hours of operation as well. The peak demand will allow adequate spaces for all the uses that are sharing this site.

He advised that the applicants also provided staff with the trip generation manual and the parking generation manual by the Institute of Transportation Engineers (ITE) that shows that independent living facilities or "Senior Attached Adult Housing" as referred

to by the Institute, generate a need between .5 and .8 parking spaces per unit. These residents will be able to live independently and will not have the need for nursing staff or doctors on site. This is an age restricted, 55 or older, facility. This type of facility will not have the need for employee parking like a nursing home would.

He apologized to the residents of Savannah Park and Tall Trees in the audience that the applicants did not have the opportunity to meet with them prior to tonight's meeting. The applicants were trying to resolve staff's concerns so that they could get on the April agenda. They will now have the opportunity to meet with all of the residents between tonight's meeting and the BCC meeting.

He showed a picture of the old plan and compared it to the new plan and pointed out the only difference between the two will be that the four buildings along the west side or the back of the development will be joined together under the new plan. He explained that the applicants forfeited the office and retail spaces located in the bottom of the four separate buildings in order to move all of the residents into the new combined building in the back. This building is now being called "Building AA". He stated there has been a reduction of 14,900 square feet, but 32,200 square feet of retail remains. He pointed to the other buildings that will accommodate retail and office uses that will total 44,000 office and 32,000 retail space.

He advised that since they removed over 14,000 square feet of retail and office, their traffic count goes down for both peak hours and average daily trips. The peak hour traffic has been reduced by 9.7% and overall daily traffic has been reduced by 15%. He further stated that independent living facilities generate less traffic than a typical unrestricted apartment or condo.

He stated under the current amendment, it allows for an unrestricted age limit facility which could include young families with children as well as units that could be either rentals or owned. What the applicants are proposing is to increase the number of units with all of them being age restricted.

Referring to the map, Mr. West stated that the footprint of all buildings will remain the same. The only change will be that the four buildings in the back will be combined. This building will still be a 3 story building and the setbacks will remain the same. The additional parking is just a matter of re-striping what is there. He stated he believes they have more handicap parking spaces than the Code requires.

Lastly, Mr. West stated that the applicants will be happy to schedule meetings with the residents of Savannah Park and Tall Trees to address any concerns they may have .

Commissioner Eismann - asked if the original concept was a "town center" concept.

Mr. West - advised that it still is that type of concept.

Commissioner Eismann - asked if having Building C developed to front the over 55 age restricted apartments is a typical "town center" concept.

Mr. West - stated that he is not aware of any other development in this area with this type of concept; however, according to the traffic experts, there is a lower demand for the independent living facility parking and the applicant's proposed parking is still in excess of what the County Code requires.

Commissioner Chase - given the fact that Mr. West said the parking requirements for

mixed use is already reduced and his idea is that some of the residents of the 55 and over age restricted facility may not be retired so they will be leaving in the morning as the office and retail people arrive; asked if Mr. West would agree that a 114 unit, age restricted facility, could have a lot more cars that stay in the parking lot than leave.

Mr. West - some of those residents could only have one car, be widowed or single. According to the experts, a senior adult attached facility generates less parking requirements.

Commissioner Brown - stated that he understands the applicants want to share the parking, but he doesn't understand how someone will be able to walk through the new building when the four buildings are combined into one. He doesn't believe that a person can get to the parking spaces in the back lot because of the proposed continuous building.

Mr. West - stated that the area will not be gated and there will still be opportunities to walk around the ends of the building.

Commissioner Wolf - regarding the staffing at the proposed facility, asked if it was the applicants' intention to have someone like an apartment manager and a maintenance person on duty.

Mr. West - in the conditions of the DCA, a small bus will be provided to transport some of the residents who may chose not to drive or have surrendered their license.

Commissioner Wolf - stated that he is familiar with these types of facilities and is aware that they usually have activity directors, dining and kitchen staff and asked if the applicants were anticipating these types of services for the proposed facility.

Mr. West - stated that it is his understanding that there will not be any type of common dining area where the residents will come in to eat. Each apartment will have its own kitchen facilities.

John DiGiovanni of Georgia, applicant - wanted to clarify some of the concerns that have been mentioned tonight. He stated that this is just a matter of re-allocating the uses on the site. It is still mixed use. There is justification for moving the spaces to the back. Putting the residents to the back of the site makes it more desirable for them, but still gives them access to all that is offered at Savannah Park. This will eliminate any noises or odors coming from the retail and restaurant establishments below. Also, by moving the residents to the back, they will be eliminating the nighttime delivery noise. He believes it does not make any practical difference between having the buildings together or separated. He pointed out the 149 parking spaces on the map which would serve this building.

He reiterated the fact that this is a 55 and older independent living facility which will not require nursing care, doctors or meals being provided. A 55 and older facility has a lesser impact. Right now they are approved for 60 market-rate apartments which would allow them to rent to anyone. The age restriction gives them the opportunity to be more understanding of their neighbors and have less obstruction to those neighbors. He also stated that the Ashton Woods residents can walk to the main boulevard from their homes. With the parking in the back, it will have very little impact on the rest of the site.

Referring to the rendering of the building, he stated this building will be in keeping with

the same architectural design as the surrounding buildings. This building will be no different than any other building they would have constructed on the site.

He advised that they made an attempt to meet with the Ashton Woods residents but were not able to accomplish this prior to this meeting and they want to work with the neighbors to address all of their concerns.

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

Scott Ryan of Sanford - stated that he owns Building C within the town center of Savannah Park, also referred to as Main Street. He also has a contract on pad "K". He stated that Main Street connects Ashton Woods to the north with Ashton Woods to the south. He further stated that in the beginning, they bought into the vision of Savannah Park that was presented to them - even to the point of being required to use the mandatory footprint and architectural specifications provided to them by Savannah Park when they constructed Building C.

He stated that there is no functional access to this building other than from Main Street. He also stated that their building is approximately 30 paces from the building that the applicants are proposing. It is not what they bought into, it is not what they promised and it will destroy the office product. Mr. Ryan did not oppose amendment two because the footprint and the spirit of the town center remained the same.

He stated that parking will be directed to the back of the building once it becomes a single, continuous building. They would no longer be able to walk through the breezeways to get to Main Street. He would like to park in front of his building as would the retailers and their customers.

He further stated that he owns 90% of his office building and he believes the density is very irresponsible. In the beginning, there were 20 condominium units. With amendment two, the applicants were successful in getting that changed to 60 units. He believes that the parking will have to change to accommodate the new building layout.

Lastly, Mr. Ryan stated that amendment # 3 has a greater fiscal impact on Seminole County; chips away at the Vision 2020 Plan for HIP-TI; abandons a "true mix" for a transitional mix disaster; is recklessly dense and overreaching; turns Main Street into mayhem; increases the Main street residents from 35 to 200; disregards the spirit of the town center; abandons the true "live, work, shop" vision; and is a debt bail-out for the applicant at everyone's expense. They want them to stick to the plan and to the promise.

Millie Barrios of Sanford - stated she is a one-year resident of Savannah Park. She stated that the vision she was given was a small town center with some offices and retail and then the two gated communities. She is concerned about the 114 rental properties because she feels that rentals do not have a stake in their property. She pays HOA fees and feels like the residents of the rental property will use the clubhouse and pool without any responsibility. She believes the parking will become outrageous and this is not the vision she bought into.

Julian Steinberg of Sanford - stated he is a resident of Tall Trees and also the president of the Tall Trees HOA. He stated that in other independent living facilities he has seen, there is usually a 2-car garage which means more cars than proposed. Over the past 15 years, his community has been surrounded by new development. They are

opposed to apartments as they will not contribute anything. They will not be paying HOA dues. He further stated that a 55 and over facility would also require additional lighting. He has spoken to many of the residents of Tall Trees and no one wants to see apartments come in.

Margaret Pas of Sanford - stated that she believes the parking will be an issue due to the fact that even though this is a 55 and over facility, that doesn't mean the residents won't have guests and grown children visiting. She is concerned, given the economy, that if all of the units are not rented to 55 and over residents, they will drop the restrictions and rent to anyone. She would like to know what kind of amenities will be provided to this facility so that the residents will not use the amenities in her neighborhood without having to pay HOA dues. She also wanted to know if the buildings will have elevators as 55 and older residents will not want to walk up and down stairs.

Commissioner Eismann - advised that if the Development Order specifies an age restriction of 55 and over, they will not be able to rent to anyone other than 55 and over. They would have to come back to a hearing to have the Development Order changed prior to renting to anyone other than specified.

Cynthia Goodrich of Sanford - she stated that she is a first-time home buyer and she bought in Savannah Park with the expectation of living in a type of community such as Colonial Town Center. She believes this amendment goes against neighbor performance standards for compatible housing types. She stated that if this is approved, it will deny residents of Savannah Park the close proximity to walk to work, go shopping or other recreation by reducing the number of offices and retail shops. She bought her home knowing there would be a limited number of residents in her neighborhood. She believes there will be an increase in traffic at their entrance gates if this is approved. This project states it will have a shuttle bus running from 8:00 a.m. to 5:00 p.m., 7 days a week and she believes this will be an intrusion to the on-site mobility of the residents getting to and from work on a daily basis and the safety of children going to the pool. She foresees an increase in crime including larceny and home invasion. She would like to keep her sound and pleasurable place to call home.

Commissioner Eismann - asked Ms. Goodrich where she got her crime statistics.

Ms. Goodrich - stated that she foresees the possibility of these types of crimes happening if this project is built.

Roni Goss of Sanford - stated that this is not the concept that she bought into and she would not have purchased her home if she had known this was going to be developed in the future.

Sean Nolan of Sanford - stated that he and his wife are first-time home buyers and this is not what they wanted when they bought their home. He further stated that they would not have purchased their home if they had known this project was going to be built.

Joe Russo of Sanford - stated that he lives in Tall Trees and believes that some decisions are made prior to the actual meeting. He stated that originally there were 20 condos that no one was buying and now there will be 114 apartments that no one will buy. He believes townhomes will not work in this area because there isn't any true green space for the residents. This project will be intruding into the neighboring communities. He is also concerned that the applicants have said that there has to be

at least one resident 55 or older which to him, could mean that a grandparent and small children could live there as well. If this is the case, this would not make it an actual age restricted facility. He wants the applicants to build what they originally said they would build or if the Commissioners approve this request, at least give them a 20 foot wall so that this can be blocked out completely from the surrounding neighbors.

Commissioner Eismann - advised that the Board does not make up their minds prior to hearing all of the facts and all of the concerns.

Lauren Slade of Sanford - showed a rendering of the Ashton Woods neighborhood and pointed to where the proposed building will be in relation to her home. She stated this is not the vision that they bought into. She believes there should be a balance between the 156 townhomes units and the proposed 114 age restricted units. This means that over 40% of the residents of this area will be age 55 or over. She feels this project will devalue her home.

Kathy Russell of Sanford - stated that she believes the applicants should have had a meeting with the current residents prior to trying to push this project through tonight.

Carol Smith of Sanford - stated that she and her husband put a contract on the first home in this community prior to the ground breaking. They bought into a vision and this is not what they want. She is concerned with the traffic coming in and out of the development especially with the proposed 90% increase in units. She is also concerned about her property values.

Beverly Bohnert of Sanford - did not want to speak but is in opposition to this request.

Lea Ann Smith of Sanford - wanted to say that she is opposed to this request.

Ryan Gregory of Sanford - stated that he believes there is a big difference between townhomes and a 55 and older facility. He is concerned with the long term investment and return on his property especially with the proposed apartments. This is not the vision they bought into and is opposed to this request.

Mr. West - wanted to clarify some of the issues mentioned by the residents. This property is not and was never zoned HIP-TI. It was originally designated as office use and the applicants brought an office complex project to the County and it was denied. The applicants then came up with a mixed use concept with residential, retail and offices uses in the same community which will act as a transition to the live, work, play concept.

He advised that the Development Order states the 60 units are not restricted and can be rented to anyone. He also stated that the townhomes on either side of this complex can be rented as well.

Regarding the concern Mr. Ryan had with the building only having one entrance, Mr. West stated that the proposed entrance to the building in the middle section will also have a rear access. He advised that the reason why there has not been good communication between Mr. Ryan and the applicants is because they are in litigation regarding this property. He believes it is very important to have a meeting with the community to address all of their concerns.

This project is marketed for 55 and older citizens who want to live this type of lifestyle. He further stated that in the draft Developer's Commitment Agreement, a minimum of

4,000 square feet will be designated as an indoor recreation area. The idea is that the residents of this facility will get their recreation indoors.

He stated that the shuttle bus mentioned by one of the residents will not run at set intervals like a LYNX bus would. It would be used to take the residents to doctor appointments and other trips as needed. He further stated that the townhome sections are gated off, so the bus will have to go up the middle.

He stated that there were a lot of comparisons between this project and Colonial Town Park. Colonial Town Park is a mixed use development with a large multi-family component off to one side and they have the 3-story apartment complex, Colonial Grand Apartments, on the west side. The idea was to transition down from the large apartment complex to the office park to the single family residence.

Commissioner Eismann - asked if the Colonial Grand Apartments were in close proximity to the downtown area of Colonial Town Park.

Mr. West - they are across a 4-lane, divided arterial and wanted to make the point that even Colonial Town Park has separate apartments within the PUD. He also advised that the buildings will have elevators. As far as notice of this hearing, the site was posted and then someone removed the posting and the applicant re-posted the property again. He stated that they did fail to meet with the residents prior to this meeting but will have plenty of time to meet between now and the BCC meeting, which will probably be in June.

Patricia Waldon - advised that she is there on behalf of the applicants and stated it is a shame that buildings are up and no one is occupying, but one of the ways to help this change is with density. She stated that because the residents of the proposed building will be 55 and over does not make them undesirable as residents of Savannah Park. She believes this will be a beautiful development; but economically at this time, everyone is looking for a way to make what is existing and pad ready, go vertical and become a productive, tax-paying entity in Seminole County.

John DiGiovanni - wanted to clarify some of the comments made by the residents. Regarding the vision of this complex, he stated that when they did the second amendment, it changed the 20 townhouses to the 60 multi-family units which were always intended to be a for-rent product. He stated that there is an entrance on the back of the building as well as a parking field. It is their intent to have an entrance in the back as attractive as the entrance in the front so that the residents can drive behind the building and enter through the rear entrance. They want to have a town center concept. In order to have a viable town center, they have to have activity in critical mass on the site.

The building they are proposing now meets all of the criteria of the second amendment which is 3 stories, within a specific height range, and is set back further from Tall Trees than the second amendment required.

He apologized again for not having a meeting with the residents prior to this meeting but advised that he will make himself available after this meeting or any other time at their convenience to address any of their concerns.

Commissioner Brown - asked for clarification of the 55 and over restriction.

Mrs. Stettner - advised that the primary owner must be 55 years of age and there cannot be children living in the unit.

A motion was made by Vice Chairman Rob Wolf, seconded by Melanie Chase, to deny this request. The motion CARRIED by the following vote:

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

Excused: 1 - Kimberly Day

CLOSING BUSINESS

Acting Growth Management Department Director Report

Alison Stettner, Acting Growth Management Director - advised that she does not have anything to report at this time.

Commissioner Wolf - asked if Staff could look at the difference between assisted living, independent living and nursing homes as he does not believe there is enough guidance in the Development Orders to be able to delineate what is required for each of these facilities. He would like each of these broken out with respect to parking, handicap parking, density, width of the parking spaces, staff that will be present and visitor parking as this information is needed for all future decisions.

Mrs. Stettner - appreciates the comments and believes that this is something that the Land Development Code needs and something that would be appropriate to bring forward as a work session down the road.

Commissioner Eismann - what is the difference between an assisted living facility and an independent living facility?

Mrs. Stettner - independent living is treated as multi-family.

Commissioner Eismann - stated that there isn't any specifics when dealing with independent and assisted living facilities.

Commissioner Wolf - stated that an independent living facility, with the average age of the resident being 66 to 70, there is a need for more handicapped parking spaces than there would normally be. He believes they would need wider parking spaces as well.

Mrs. Stettner - stated that when you have these facilities in a mixed use community, you need to have some guidelines.

Commissioner Eismann - if an independent living facility is not age restricted, it isn't any different than a regular multi-family development, is that correct?

Mrs. Stettner - that is correct.

Commissioner Wolf - if it is an age restricted facility.

Commissioner Eismann - even if it is an age restricted facility, we don't have anything in our plan that allows the Commission to treat that any differently than a multi-family, do we?

Mrs. Stettner - that is correct, we do not.

Commissioner Brown - if we lose retail and office to residential, is there a way to know what the fiscal impact will be to the County? Retail and office spaces bring jobs to the community. Homes do not bring jobs. Can the Board look at something like this and say we don't want to approve it because it is not fiscally good for our County?

Mrs. Stettner - stated that she believes it is an appropriate use of the Planning and Zoning Board as it is the Board's job to look at the tax base, compatibility and mixed uses in the County.

Commissioner Chase - and their constitutional right to develop their property.

Mrs. Stettner - stated that considering property rights is also one of the jobs of this Board.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:03 p.m.

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

| | |
|---|--|
| LAST NAME—FIRST NAME—MIDDLE NAME DAY KIMBERLY S | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE SEMINOLE CO P&Z |
| MAILING ADDRESS 512 LAKE SHORE DR | 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 COUNTY NATIMANO SEMINOLE | NAME OF POLITICAL SUBDIVISION: |
| DATE ON WHICH VOTE OCCURRED 4/7/10 | 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, Kimberly Day, hereby disclose that on April 7, 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:

I WAS THE ARCHITECT ON THE PROJECT FOR
A PERIOD OF TIME.

Savannah Park - Item E

Date Filed

4/7/10

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.