

COMMISSION AGENDA

ITEM A

Consent	
Informational	
Public Hearing	X
Regular	

May 29, 2001

Meeting


Mgr / Atty / 
Authorization

REQUEST:

The Community Development Department requests that the City Commission hold a Public Hearing for second reading and adoption of Ordinance 2001-27 to adopt the Avery Park rezoning petition (REZ-5-2001) that would change the zoning map designation on a 38.37 acre tract located on the west side of Tuskawilla Road across from the Hi-Flavor Meat Plant and trending eastward and northward on the west side of the Tuskawilla Trails Manufactured Home Park from (County) A-1 Agriculture to Town Center District.

PURPOSE:

The purpose of this agenda item is to request the Commission hold a Public Hearing for a second reading and adoption of Ordinance 2001-27 to change the zoning designation from (County) A-1 Agriculture to Town Center District.

APPLICABLE LAW AND PUBLIC POLICY:

Sec. 20-57 of the City Code states "The planning and zoning board shall serve. . .to recommend to the City Commission the boundaries of the various original zoning districts. . .and any amendments thereto. . .act on measures affecting the present and future movement of traffic, the segregation of residential and business districts and the convenience and safety of persons and property in any way dependent on city planning and zoning."

CONSIDERATIONS:

- This general area along Tuskawilla Road around this site has been developing with single family subdivisions such as Oak Forest, part of the larger Tuskawilla PUD, and more recently Grand Reserve Subdivision. The City has finalized the Town Center Future Land Use Map designation and area and established the Town Center Zoning District.
- Developers have been contacting the City with increasing interest now that the Town Center concept and regulations have been finalized. A groundbreaking is expected this summer around the intersection of S.R. 434 and Tuskawilla Road with a grocery store and offices on the former Kingsbury property at the northwest corner.
- Approximately 90% of the property is vacant with tree cover. There are a few residences on the west side of Tuskawilla Road area.

FINDINGS:

- The proposed Town Center zoning designation is compatible with the requested Town Center land use designation approved by the City Commission on March 19, 2001.
- The Comprehensive Plan Amendment was transmitted to DCA for a compliance review according to Florida Statutes section 163.3184 on March 26, 2001.
- The property was annexed into the City through Ordinance No. 2000-08 on April 10, 2000 and Ordinance 2000-24 on August 14, 2000.
- The applicant proposes to develop the property according to the new Town Center regulations.

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt Ordinance No. 2001-27 to rezone the property from (County) A-1 Agriculture to (City) Town Center District.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at its April 4, 2001 meeting recommended the City Commission approve the change in zoning on the 38.37 acre tract from (County) A-1 Agriculture to Town Center District.

ATTACHMENTS:

- A. Proposed Ordinance 2001-27
- B. Planning & Zoning Board Agenda Item
- C. Planning & Zoning Board minutes
- D. Letter of Authorization

COMMISSION ACTION:

ORDINANCE 2001-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF AN APPROXIMATELY 38.37 ACRE PARCEL LOCATED ON THE WEST SIDE OF TUSCAWILLA ROAD ACROSS FROM THE FORMER HI-FLAVOR MEAT PLANT BOUNDED ON THE NORTH SIDE BY MILKY WAY AVENUE TO "TOWN CENTER"; PROVIDING FOR SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board and City Staff of the City of Winter Springs have recommended approval of this Ordinance; and

WHEREAS, the City Commission of the City of Winter Springs held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of the Planning and Zoning Board, Staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Springs' Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Springs, Florida.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as findings of the City Commission of Winter Springs.

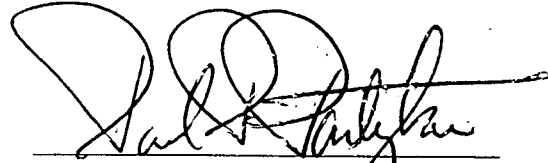
Section 2. Zoning Map Amendment. That the Official Zoning Map of the City of Winter Springs as described in City of Winter Springs Code Section 20-102 is hereby amended to include a change of classification to City of Winter Springs “Town Center” for the property legally described and depicted as Property Two on Exhibit “1”, which is attached and incorporated herein by this reference. City Staff shall cause the map to be amended if this Ordinance becomes effective pursuant to Section 5 of this Ordinance.

Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

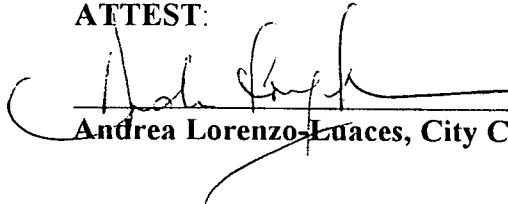
Section 5. Effective Date. This ordinance shall become effective upon the effective date of Ordinance 2001-20. If Ordinance 2001-20 does not become effective, then this Ordinance shall become null and void.

ADOPTED by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the 29th day of May, 2001.



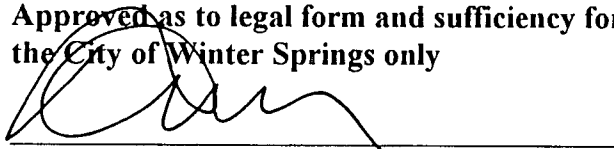
Paul P. Partyka, Mayor

ATTEST:



Andrea Lorenzo-Luaces, City Clerk

**Approved as to legal form and sufficiency for
the City of Winter Springs only**



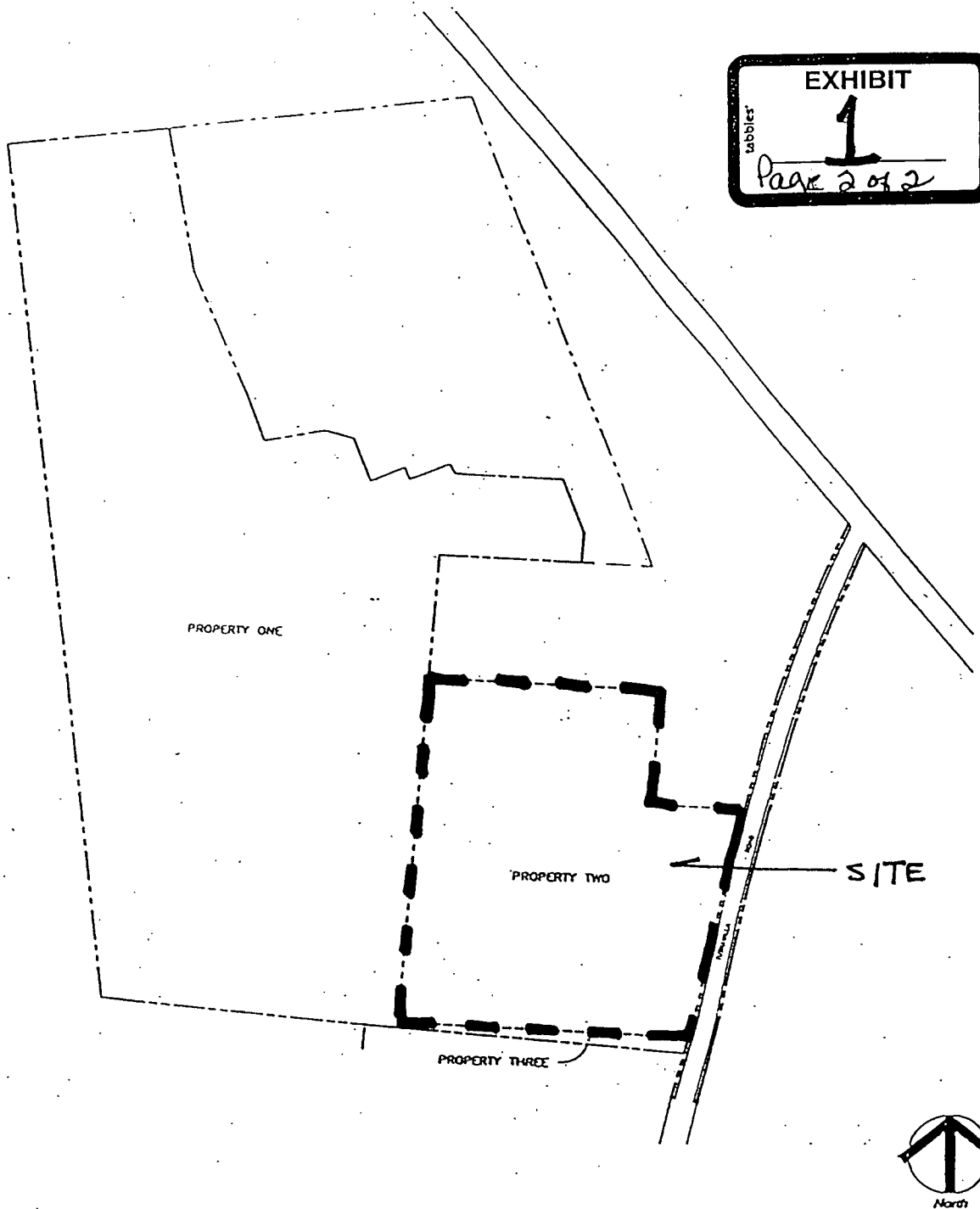
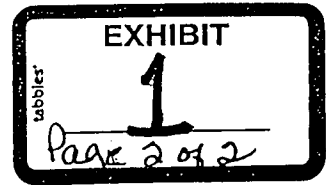
Anthony A. Garganese, City Attorney

First Reading: May 14, 2001

Second Reading: May 29, 2001

Effective Date: See Section 5.

F:\DOCS\City of Winter Springs\Ordinances\CHC Dev. zoning2.kj



*Property
Boundary Map*

*Prepared For:
CHC Development Co., Inc.*

**BOWYER
SINGLETON**
& ASSOCIATES, INCORPORATED

ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL

520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
(407) 843-5120
FAX (407) 843-5120

*Tuskawilla
Road Site*

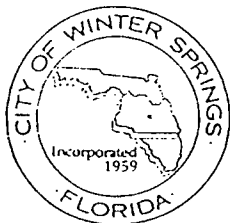
*Comprehensive Policy
Plan Amendment*

LEGAL DESCRIPTION

LOTS 25 THROUGH 32. 39 THROUGH 48. 56 THROUGH 64 THOSE PORTIONS OF LOTS 37. 38. 53. 54 AND 55 LYING WEST OF TUSCAWILLA ROAD. TUSCAWILLA. AS SHOWN ON D.R. MITCHELL'S SURVEY OF THE LEVY GRANT. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1. PAGE 5. PUBLIC RECORDS OF SEMINOLE COUNTY. FLORIDA. TOGETHER WITH ALL RIGHTS OF WAY LOCATED ADJACENT TO THE ABOVE LOTS AS VACATED BY RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1050. PAGE 401. PUBLIC RECORDS OF SEMINOLE COUNTY. FLORIDA. LESS THE EAST HALF OF THE RIGHT OF WAY LYING ADJACENT TO LOTS 25 AND 26 ON THE WEST AND LOTS 23 AND 24 ON THE EAST:

LESS AND EXECPT FROM THE ABOVE THE FOLLOWING:

THOSE PORTIONS OF LOTS 37.38.53. 54 AND 55. TAKEN FOR ROAD RIGHT OF WAY FOR TUSCAWILLA ROAD DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3603. PAGE 1095. PUBLIC RECORDS OF SEMINOLE COUNTY. FLORIDA.
CONTAINS 38.37 ACRES +/-.



CITY OF WINTER SPRINGS, FLORIDA

1126 EAST STATE ROAD 434
WINTER SPRINGS, FLORIDA 32708
Telephone (407) 327-1800

AGENDA

CITY OF WINTER SPRINGS

PLANNING & ZONING BOARD / LPA REGULAR MEETING

Wednesday April 4, 2001 – 7:00 p.m.

Municipal Building – Commission Chambers

1126 East State Road 434

Winter Springs, FL 32708

I. CALL TO ORDER

A. Pledge of Allegiance

II. ROLL CALL

III. Approval of Minutes

a. Meeting of March 7, 2001

IV. PUBLIC HEARINGS

A. Change of Zoning Request

Name: Tuskawilla Road Site

From: County Agriculture (A-1)

To: Town Center District (T-C)

Applicant: Cahill Enterprises, Inc.

Property Owner: L.D. Plante

Location: West side of Tuskawilla Road across from Hi-Flavor Meat Plan

V. OLD BUSINESS

VI. NEW BUSINESS

VII. ADJOURNMENT

• PUBLIC NOTICE •

This is a public meeting, and the public is invited to attend.

Please be advised that One (1) Or More Members Of The City Of Winter Springs City Commission May Be In Attendance At This Meeting.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs, 48 hours in advance of the meeting at (407) 327-1800, per Section 286.26 Florida Statutes.

Persons are advised that if they decide to appeal any decisions made at these meetings/hearings they will need a record of the proceedings and for such purpose, they may need to insure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Section 286.0105 Florida Statutes.



CITY OF WINTER SPRINGS, FLORIDA

1126 EAST STATE ROAD 434
WINTER SPRINGS, FLORIDA 32708
Telephone (407) 327-1800

PLANNING & ZONING BOARD REGULAR AGENDA ITEM:

II A. TUSKAWILLA ROAD SITE REZONING REZ-5-01

STAFF REPORT:

APPLICABLE LAW AND PUBLIC POLICY:

Sec. 20-57 of the City Code states "The planning and zoning board shall serve . . .to recommend to the City Commission the boundaries of the various original zoning districts. . .and any amendments thereto. . .act on measures affecting the present and future movement of traffic, the segregation of residential and business districts and the convenience and safety of persons and property in any way dependent on city planning and zoning."

I. SUMMARY OF APPLICATION:

APPLICANT:

Carl H. Cahill
131 Park Lake Street
Orlando, FL 32803

OWNER:

L.D. Plante
P.O. Box 37
Tavares, FL 32778-0037

1. REQUEST:

The applicant is requesting a change of Zoning Map designation from (County) A-1 "Agriculture" to the City's T-C "Town Center District".

2. PURPOSE:

To develop the property according to the Town Center Zoning Code.

A. SITE INFORMATION:

1. PARCEL NUMBER:

26-20-30-5AR-UD00-0360
01-21-30-0000-0250

2. ACREAGE:

38.37 acres

3. GENERAL LOCATION:

West side of Tuskawilla Road across from Hi-Flavor Meat Plant and trending eastward and northward on the west side of the Tuskawilla Trails Manufactured Home Park.

4. LEGAL DESCRIPTION:

(See First Attachment)

5. CHRONOLOGY OF SUBJECT PROPERTY:

Property 2 (29 acres) was annexed into the City through Ordinance 2000-08 on April 10, 2001.

6. DEVELOPMENT TRENDS:

This general area along Tuskawilla Road around this site has been developing with single family subdivisions such as Oak Forest, part of the larger Tuskawilla PUD, and more recently Grand Reserve Subdivision. The City has finalized the Town Center Future Land Use Map designation and area and established the Town Center Zoning District. Developers have been contacting the City with increasing interest now that the Town Center concept and regulations have been finalized. First groundbreaking is expected around the intersection of S.R. 434 and Tuskawilla Road with a grocery store and offices on the former Kingsbury Property at the northwest corner.

7. EXISTING LAND USES OF SUBJECT PROPERTY:

Approximately 90% of the property is vacant with tree cover. There are a few residences on the west side of Tuskawilla Road area.

8. LETTERS/PHONE CALLS IN FAVOR OR OPPOSITION:

None at the time of writing this staff report.

B. EXISTING LAND USES ADJACENT TO SUBJECT PROPERTY:

North: Residential single family

South: Agricultural

East: Tuskawilla Road, and further east pasture and buildings of the now closed Hi-Flavor Meat Plant.

West: Tuskawilla Trails Mobile Home Property

C. FUTURE LAND USE DESIGNATION OF SUBJECT PROPERTY:

Existing: "Moderate Density"(3.6-6.5 DU per acre)

Requested: "Town Center"

D. FUTURE LAND USE DESIGNATIONS ADJACENT TO SUBJECT PROPERTY:

North: "Lower Density Residential"(1.1-3.5 DU per acre), "Moderate Density Residential"(3.6-6.5 DU per acre), and "Town Center".

South: "Lower Density Residential"(1.1-3.5 DU per acre).

East: "Town Center", "Industrial"

West: "Lower Density Residential"(1.1-3.5 DU per acre).

E. ZONING OF SUBJECT PROPERTY:

Existing: (County) A-1 "Agriculture"

Requested: "Town Center District"

F. ZONING ADJACENT TO SUBJECT PROPERTY:

North: A-1 County

South: PUD "Planned Unit Development"

East: (County) A-1 Agriculture and M-1

West: R-T Mobile Home Park

II. REZONING ANALYSIS:

A. JUSTIFICATION FOR REZONING:

1. The applicant wishes to develop the property according to the new Town Center regulations i.e. T-C Zoning District.
2. The applicant's proposed rezoning to City Zoning Map designation of T-C "Town Center" Zoning District creates an opportunity for an in-town residential presence, which is what the Concept Plan of the Town Center advocates. The in-town residential presence is meant to assure a continued market for the shops and offices of the Town Center.

B. PUBLIC FACILITIES:

1. ROADS/TRAFFIC CIRCULATION:

a. Availability of Access:

Access is to Tuskawilla Road.

b. Function Classification:

Tuskawilla Road is classified as an urban minor arterial by FDOT and as arterial by Seminole County.

c. Improvements/expansions (including right-of-way acquisition) already programmed or needed as a result of the proposed amendment.

At the time of development of the property, the developer would have to meet the requirements of the City of Winter Springs Land Development Code, Chapter 9 and the Town Center District Code, Chapter 20.

2. SANITARY SEWER, SOLID WASTE, STORMWATER MANAGEMENT,
POTABLE WATER:

POTABLE WATER:

a. Facilities serving the site.

None.

b. Improvements/expansions needed as a result of proposed amendment:

The developer would tap into the 12 inch water main that runs along
Tuskawilla Road that runs just in front of the subject property.

SANITARY SEWER:

a. Facilities serving the site.

None.

b. Improvements/expansions needed as a result of proposed amendment:

The developer would tap into the line at the northeast point of Oak Forest
Subdivision.

RE-USE WATER SYSTEM:

a. Facilities serving the site.

None.

b. Improvements/expansions needed as a result of proposed amendment:

Not required.

DRAINAGE/STORMWATER:

a. Facilities serving the site.

None. No structural drainage system.

b. Improvements/expansions needed as a result of proposed amendment:

When the property is developed, it must meet Sec. 9-241 of the City Code and SJRWMD and other applicable requirements. Post development runoff cannot exceed pre-development runoff. (Use 25 year, 24 hour storm event for design). There must be a clearly recorded easement for the infrastructure. The easement must be definitive for maintenance of structural facilities.

SOLID WASTE:

a. Facilities serving the site.

The City has an exclusive franchise agreement with a solid waste hauler, Florida Recycling, until 2006.

b. Improvements/expansions needed as a result of proposed amendment:

None.

3. RECREATION AND OPEN SPACE

a. Facilities serving the site.

None.

b. Improvements/expansions needed as a result of proposed amendment:

The property would involve a residential component; hence there would be a requirement for recreational facilities or payment in lieu per Goal 1, Objective E, Policy 1 of the Recreation and Open Space Element in the Comprehensive Plan.

4. FIRE:

a. Facilities serving the site.

None.

b. Improvements/expansions needed as a result of proposed amendment:

None. The response time would be 4 minutes from Fire Station #26.

5. POLICE:

a. Facilities serving the site.

None.

b. Improvements/expansions needed as a result of proposed amendment:

None.

B. NUISANCE POTENTIAL OF PROPOSED USE TO SURROUNDING LAND USES.

The nuisance potential of the proposed use resulting from the change of Zoning Map designation from (County) A-1 "Agriculture" to City T-C "Town Center Zoning District" to the surrounding properties should be minimal in view of the following:

- The City has development standards in its land development regulations to ensure minimal impacts on surrounding properties, such as buffering. The City's land development regulations and the site plan review process of the Development Review Committee can ensure the prevention or minimization of any potential nuisances.
- The City's development review process includes reference to the development standards of the St. Johns River Water Management District for stormwater management and prevention of potential pollution to Lake Jessup. The City's Comprehensive Plan has regulations that help ensure the protection of Lake Jessup from development activities.
- The proposed rezoning of the property from county A-1 "Agriculture" to City T-C "Town Center Zoning District" is compatible with the existing land use of adjacent properties. The adjacent property to the west and north of the subject property is largely vacant with a few houses to the north. It is compatible with Oak Forest Subdivision to the south because of the buffer provided by the retention pond between Oak Forest and the proposed residential subdivision on the subject property to be known as Avery Park.

III. FINDINGS:

- The City has development standards in its land development regulations to ensure minimal impacts on surrounding properties, such as buffering. The City's land development regulations and the site plan review process of the Development Review Committee can ensure the prevention of any potential nuisances.
- The City's development review process includes reference to the development standards of the St. Johns River Water Management District for stormwater management and prevention of potential pollution to Lake Jessup. The City's Comprehensive Plan has regulations that help ensure the protection of Lake Jessup from development activities.

- The proposed rezoning of the property from County A-1 "Agriculture" to City T-C "Town Center Zoning District" is compatible with the existing land use of adjacent properties. The adjacent property to the west and north of the subject property largely vacant with a few houses to the north and compatible with Oak Forest Subdivision to the south because of the buffer provided by the retention pond between Oak Forest and the proposed residential subdivision on the subject property to be known as Avery Park.

STAFF RECOMMENDATION:

Based on the Staff Report and the Findings, staff recommends the Planning & Zoning Board make the following recommendation to the City Commission:

That the City Commission approve the proposed change of zoning from County A-1 "Agriculture" to City T-C "Town Center Zoning District"

ATTACHMENTS:

- A. Ordinance # 2001-27
- B. Location map of subject parcel
- C. Legal description of the property
- D. Letter of authorization

CITY OF WINTER SPRINGS
MINUTES
PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
REGULAR MEETING
MARCH 7, 2001

I. CALL TO ORDER

The Planning And Zoning Board/Local Planning Agency Regular Meeting was called to order Wednesday, March 7, 2001, at 7:02 p.m. by Chairperson Roseanne Karr in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708). The Pledge of Allegiance followed.

Roll Call

Chairperson Rosanne Karr, present
Vice Chairman Bill Fernandez, present
Board Member Tom Brown, absent
Board Member Brent Gregory, present
Board Member Carl Stephens, Jr., absent

Also Present

Mr. Thomas Grimms, AICP, Comprehensive Planning Coordinator
Mr. Terry Zaudtke, CPH Engineers, Inc., Consultant

Approval Of The February 7, 2001 Regular Meeting of the Planning And Zoning Board/Local Planning Agency Minutes

MOTION BY VICE CHAIRPERSON FERNANDEZ. "MADAM CHAIR, I RECEIVED THE MINUTES OF THE FEBRUARY 7, 2001 MEETING THAT WERE CIRCULATED BY MAIL. I HAD AN OPPORTUNITY TO REVIEW THOSE IN ADVANCE OF THIS MEETING AND ALTHOUGH THEY DID NOT VERBATIM TRANSCRIBE TAPE TWO (2), I DID NOT FIND ANY MODIFICATIONS, CORRECTIONS OR OTHER NECESSARY CHANGES AND WOULD AT THIS TIME MOVE THAT THE FEBRUARY 7, 2001 MINUTES BE ADOPTED AS CIRCULATED." SECONDED BY BOARD MEMBER GREGORY. DISCUSSION.

The Board discussed amending the Agenda to include the approval of the Minutes. Vice Chairperson Fernandez stated "It is a Regular Meeting?" Mr. Thomas Grimms AICP, Comprehensive Planning Coordinator replied, "It is a Regular meeting for Planning and Zoning, yes." Vice Chairman Fernandez stated, "Right so I think we could go ahead and approve them. It certainly wouldn't hurt anything and it asserts housekeeping to affirm for the record action taken last February 7th." " Mr. Grimms said " I was just informed it

really only takes a simple action of amending the Agenda by majority vote and you can consider as Board Members and approve the Minutes."

MOTION BY VICE CHAIRMAN FERNANDEZ. "WE NEED TO VOTE ON AMENDING THE AGENDA TO INCLUDE THAT, WHICH I WILL MOVE." SECONDED BY BOARD MEMBER GREGORY. DISCUSSION. THE BOARD AGREED TO THE MOTION BY CONSENSUS.

CHAIRPERSON KARR CALLED FOR THE VOTE OF THE MINUTES. THE BOARD AGREED TO THE MOTION BY CONSENSUS.

❖❖ AGENDA NOTE: THE FOLLOWING AGENDA ITEMS ARE DOCUMENTED IN THE ORDER AS DISCUSSED. ❖❖

II. REGULAR AGENDA

Mr. Grimms request that Agenda Item "H" be moved forward for first consideration. Chairperson Karr stated, "So we will move Agenda Item "H" to the top of the list."

H. City Comprehensive Plan Amendment To The Traffic Circulation Element Substitution City's Transportation Study For All Text And Maps In Volume I And II. (LS-CPA-6-00)

Mr. Grimms spoke of the request; the Purpose; and he read the Staff's Recommendation.

Mr. Terry Zzaudtke, CPH Engineers, Inc: spoke of the recommendations of the Department of Community Affairs; figures to be revised; that State Road 419 is beyond it's capacity; State Road 434's capacity; turn lanes being added along State Road 419; the level of service; and the ORC (Objections, Recommendation and Comments) Report.

Mr. Grimms read the Findings at the request of the Board.

The Board discussed that the Item is a Large Scale Plan Amendment; the schedule for submitting Large Scale Plan Amendments; and whether there were any public comments.

MOTION BY BOARD MEMBER GREGORY. "I WILL MOVE THE STAFF'S RECOMMENDATION." SECONDED BY VICE CHAIRMAN FERNANDEZ.

Vice Chairman Fernandez asked, "Mr. Grimms, do we need a specific findings of fact for this particular matter since it is a Large Scale?"

Mr. Grimms replied “Yes, I provided you with the findings of fact, you can just reference per the staff report and the response of the ORC Report by Conklin, Porter, Holmes Engineering, Inc.”

AMENDMENT TO THE MOTION. VICE CHAIRMAN FERNANDEZ STATED “WOULD THE MAKER ACCEPT AN AMENDMENT TO INCLUDE THE FINDINGS, AND STAFF’S RECOMMENDATION AND THE CONKLIN, PORTER, AND HOLMES ATTACHMENT, THE RESPONSE TO THE ORC REPORT.” BOARD MEMBER GREGORY STATED, “AND THE CORRECTION, YES.” DISCUSSION.

**VOTE (ON THE AMENDMENT):
VICE CHAIRMAN FERNANDEZ: AYE
CHAIRPERSON KARR: AYE
BOARD MEMBER GREGORY: AYE
MOTION CARRIED.**

**VOTE (ON THE MAIN MOTION)
CHAIRPERSON KARR: AYE
BOARD MEMBER GREGORY: AYE
VICE CHAIRMAN FERNANDEZ: AYE
MOTION CARRIED.**

A. Reece Property Small Scale Plan Amendment (SS-CPA-2-2001)

Mr. Grimms introduced the Item and read the Findings. He spoke of the concerns that a “good portion” of the property could be used as an adult entertainment facility.

Discussion ensued regarding whether “the City has a moratorium regarding the location of adult entertainment facilities”; the location of the property; the distance an adult entertainment facility must be from a resident’s property; “whether there is a need to expedite this particular Agenda Item tonight”; and land east of the property.

Mr. Phil Reece, 561 Virginia Drive, Winter Park, Florida: spoke of not knowing that an adult entertainment facility could be on his property; and the property current use as industrial. Mr. Reece advised those in attendance, “If there is some way we can eliminate adult entertainment operations on this property – I certainly would be more than glad to do that. I have no intention of using this property for that, it’s all to be commercial installation.”

Mr. Grimms spoke of the industrial zoning classification.

The Board discussed restrictions on the deed; potential future annexations with Industrial Zoning; and whether future plans will be coming before the Board.

Mr. Grimms read Section 10-59. of the City Code.

Mr. Rick Labinsky, Engineer: spoke of the distance between the property and the nearest residential property line.

Tape 1/Side B

Discussion continued.

MOTION BY VICE CHAIRMAN FERNANDEZ. “BASED UPON THE TESTIMONY RENDERED HERE THIS EVENING, THE STAFF’S FINDINGS AS OUTLINED IN ROMAN NUMERAL FOUR (IV), ONE (1) THROUGH FIVE (5) ON PAGE NINE (9) OF TEN (10) OF THE REPORT SUBMITTED TO US, AND FURTHER BASED UPON THE APPLICANT’S VERBAL AGREEMENT TO PUT COVENANTS, CONDITIONS, OR RESTRICTIONS ON THE PROPERTY THAT IT NOT BE USED AS AN ADULT ENTERTAINMENT ESTABLISHMENT. BASED ON THAT I WILL RECOMMEND TO THE CITY COMMISSION THAT THEY APPROVE MR. REECE’S REQUEST FOR A CHANGE OF COUNTY FUTURE LAND USE DESIGNATION OF ‘COMMERCIAL’ ‘INDUSTRIAL’, AND ‘LOW DENSITY RESIDENTIAL’ TO THE CITY’S FLUM (FUTURE LAND USE MAP) DESIGNATION OF ‘INDUSTRIAL’ ON THAT 6.5 ACRE PARCEL LOCATED IN AND AROUND THAT NORTH EAST CORNER OF U.S. 17-92 AND NURSERY ROAD, SPECIFICALLY CONDITIONED ON THE PROPERTY RECEIVING CERTAIN DEED RESTRICTIONS AS TO THE PROHIBITION TO ADULT ENTERTAINMENT ON IT.” SECONDED BY MEMBER BOARD GREGORY. DISCUSSION.

VOTE:

BOARD MEMBER GREGORY: AYE

VICE CHAIRMAN FERNANDEZ: AYE

CHAIRPERSON KARR: AYE

MOTION CARRIED.

B. Reece Property Rezoning (REZ-2-2001)

Mr. Grimms read the justification for rezoning; and Staff’s Recommendation.

MOTION BY VICE CHAIRMAN FERNANDEZ. “I’LL MAKE THE SAME MOTION AS I PREVIOUSLY DID WITH THE ‘FLUM’ AS IT RELATES TO

THE ZONING. THAT IS TO WIT TO RECOMMEND THAT THE CITY COMMISSION APPROVE THE ZONING MAP DESIGNATION ON THAT 6.5 ACRE REECE PROPERTY FROM COUNTY C-2, 3 & R-1-A TO C-2 'GENERAL COMMERCIAL & INDUSTRIAL' ON THE CITY'S ZONING MAP, AGAIN SUBJECT TO THE APPLICANT PUTTING CERTAIN DEED RESTRICTIONS ON THIS PROPERTY THAT IT NOT BE USED FOR ADULT ENTERTAINMENT PURPOSES." SECONDED BY BOARD MEMBER GREGORY. DISCUSSION.

VOTE:

BOARD MEMBER GREGORY: AYE

VICE CHAIRMAN FERNANDEZ: AYE

CHAIRPERSON KARR: AYE

MOTION CARRIED.

C. Moss Road Area Multi-Family Plan Amendment (SS-EM-CPA-1-2001)

Mr. Grimms spokes of the applicant's purpose; and that their representative was in the audience.

VICE CHAIRMAN FERNANDEZ STATED, "WHILE SHE IS GETTING READING TO SPEAK - BY THE WAY I WANT THE RECORD OR THE MINUTES TO CLEARLY REFLECT ON THAT LAST MOTION - THAT I MADE THE SAME MOTION AS TO THE FUTURE LAND USE MAP TO WIT I INCORPORATED THE STAFF'S FINDINGS ON THE ZONING MATTER, ONE (1) THROUGH SIX (6) ON PAGE TEN (10) OF ELEVEN (11), THE SIX (6) FINDINGS THERE TO SUPPORT IN ADDITION TO THE TESTIMONY GIVEN, MY MOTION FOR THE CHANGE IN ZONING. DID YOU AGREE TO THAT MR. GREGORY? AND DID YOU VOTE FOR THAT MADAM CHAIR? OKAY, THAT'S WHY I SAID THE SAME MOTION AS BEFORE BUT I JUST WANT TO MAKE SURE ITS CLEAR."

Vice Chairman Fernandez asked, "Why the Agenda Item is an emergency?"

Ms. Candice Birle, Wyman Fields Foundation: spoke of the Moss Cove project; the partnership with the City; rehabilitating the single family units; the project costs; and the present zoning classification jeopardizing the closings of the units.

The Board discussed if Ms. Birle had any paperwork from the bank requiring the zoning change; Ms. Birle's testimony; the effect on the surrounding properties; and the property lines.

MOTION BY VICE CHAIRMAN FERNANDEZ. “I WOULD MAKE THE FOLLOWING RECOMMENDATION THAT CITY COMMISSION APPROVE THE REQUEST BY WYMAN FIELDS TO REDESIGNATE THE AREA UNDER CONSIDERATION AS R-3 ‘MULTI-FAMILY DWELLING’ DISTRICT BASED UPON THE FINDINGS OF STAFF WHICH APPEAR TO START ON ROMAN NUMERAL FOUR (IV), ON PAGE NINE, THOSE THREE BULLETS POINTS AND SPECIFICALLY I WANT TO EMPHASIZE THAT AT LEAST I AM SATISFIED THAT THERE IS AN EMERGENCY THAT EXIST. THAT WE NEED TO ELIMINATE THE INHERENT DELAY OF SENDING IT UP TO THE DEPARTMENT OF COMMUNITY AFFAIRS, IT WOULD CAUSE IRREPARABLE HARM AND WE NEED TO ACT OF THIS MATTER AND WE STRONGLY RECOMMEND 100% VOTE OF THE CITY COMMISSION.”

Mr. Grimms stated “Once again members of the Board, the Staff recommends that this Local Planning Agency recommend that City Commission approve the request by Wyman Fields and the City to redesignate the area under consideration as shown in Attachment “A” to ‘Medium Density Residential’ from ‘Commercial’ to ‘Medium Density Residential’ (6.6 to 9.0 dwellings per acre).”

Vice Chairman Fernandez stated, “Alright, is this R-3 zoning?” Mr. Grimms replied, “No – it will be R-3 zoning.” Vice Chairman Fernandez asked, “That’s what we are recommending?” Mr. Grimms said, “You’re recommending Future Land Use Map designation as ‘Medium Residential’.”

**VICE CHAIRMAN FERNANDEZ SAID, “GOTCHA, THAT’S MY MOTION.”
SECONDED BY BOARD MEMBER GREGORY. DISCUSSION.**

VOTE:

CHAIRPERSON KARR: AYE

BOARD MEMBER GREGORY: AYE

VICE CHAIRMAN FERNANDEZ: AYE

MOTION CARRIED.

D. Moss Road Area Multi-Family Rezoning (REZ-3-2001)

Vice Chairman stated “Now then Mr. Grimms, with the Chairman’s blessings since we have already received the testimony, which we take to be true and we have your written findings on page eight (8) of nine (9) on the next Agenda Item and your continuation on page nine (9) of nine (9) with your Staff recommendation, now this time it is P&Z, right?”

Mr. Grimms replied “This is Planning and Zoning” and he read Staff’s Recommendation.

MOTION BY VICE CHAIRMAN FERNANDEZ. "I DO MAKE THAT MOTION BASED ON THE THOSE FINDINGS AND THE SPECIFIC FINDINGS THAT THERE IS AN EMERGENCY THAT WE NEED TO ADDRESS AND STRONGLY AGAIN RECOMMEND THAT IRREPARABLE HARM WILL BE DONE IF 100% OF THE CITY COMMISSION DOESN'T APPROVE THIS." SECONDED BY BOARD MEMBER GREGORY. DISCUSSION.

VOTE:

CHAIRPERSON KARR: AYE

BOARD MEMBER GREGORY: AYE

VICE CHAIRMAN FERNANDEZ: AYE

MOTION CARRIED.

Chairperson Karr called for a recess at 8:17 p.m.

Chairperson Karr called the meeting back to order at 8:22 p.m.

E. Morse Foundation Plan Amendment (LS-CPA-1-00)

Mr. Grimms spoke of the request; the Purpose; and read Staff's Recommendation.

Mr. Scott Henderson, Henderson Planning Group, 112 South Lake Avenue, Orlando: as the representative for the Elizabeth Morse Foundation, he spoke of their support of the Staff's Findings and Recommendation; and gave his response to the ORC Report.

The Board discussed the definition and criteria of the Greenway Interchange District.
Discussion.

Tape 2/Side A

The history of the property; and ownership of the land was next discussed.

MOTION BY VICE CHAIRMAN FERNANDEZ. "AT THIS POINT I WILL RECOMMEND THAT THE CITY COMMISSION HOLD A SECOND ADOPTION HEARING – A PUBLIC HEARING AND ADOPT THIS LARGE SCALE COMPREHENSIVE PLAN AND IT'S DESIGNATED (LS-CPA-1-00) INCORPORATING THE CITY STAFF, BASE IT ON THE FINDINGS ON TWO (2) OF FOUR (4) THE BULLET POINTS THERE, AND BASED ALSO ON THE TESTIMONY AND REPRESENTATIONS OF MR. SCOTT HENDERSON, THIS EVENING, AS IT RELATES TO OWNERSHIP AND THE OTHER REPRESENTATION HE HAS MADE, AND INCORPORATING THE STAFF AND THE LOCAL PLANNING AGENCY FINDING AND THEIR RESPONSE

TO THE ORC REPORT (OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT) AND FOR ADOPTION OF THIS PARTICULAR PLAN.

The Board discussed whether there had been any public response about the Agenda Item, and that there was none; parliamentary procedure; and the public being able to respond at future Public Hearings.

SECONDED BY BOARD MEMBER GREGORY. DISCUSSION.

VOTE:

BOARD MEMBER GREGORY: AYE

VICE CHAIRMAN FERNANDEZ: AYE

CHAIRPERSON KARR: AYE

MOTION CARRIED.

G. CHC Tuskawilla Road Site

Mr. Grimms introduced the Agenda Item; and read Staff's Recommendation.

The Board discussed the property's location; boundaries; and size with Ms. Bierly, representative. Discussion.

MOTION BY BOARD MEMBER GREGORY. "BASED ON THE FINDINGS THEN I MOVE THE STAFF'S RECOMMENDATION." VICE CHAIRMAN FERNANDEZ SECONDED AND STATED, "YES AND AGAIN, I'M NOT SURE YOU WERE CLOSE ENOUGH TO THE MICROPHONE. HE DID SAY BASED ON THE FINDINGS AND OF THE STAFF RECOMMENDATIONS AS WELL AS I ASSUME MS. BIERLY'S PRESENTATION OR TESTIMONY. AND I'LL SECOND THAT WITH THE ADDITION OF THE FACT THAT - ALSO I AM TAKING INTO CONSIDERATION YOUR PREVIOUS PRESENTATIONS ON THIS PARTICULAR MATTER AND THE PUBLIC INPUT THAT WE HAD AT THAT TIME. AND AGAIN WITH THE UNDERSTANDING THAT TOWN CENTER IS SUPPOSE TO BE PEDESTRIAN FRIENDLY, THAT WILL ALLOW WALKWAYS, GREENEWAYS AND SO FORTH TO ACCESS THE OTHER PORTIONS OF THE TOWN CENTER, HICKORY PARK, AND SO FORTH, BE ABLE TO MAKE THEIR WAY ALL THE WAY UP TO LAKE JESUP AND SO FORTH AND AGAIN IT'S JUST A HEADS UP AS TO WHAT WE ARE GOING TO BE LOOKING FOR WHEN YOU COME IN WITH ANY DEVELOPMENT PLANS OR PRELIMINARY ENGINEERING OR WHAT HAVE YOU. WE DID HAVE THIS DISCUSSION BEFORE AND I TOLD YOU AT THAT TIME, AND I AM SIMPLY REMINDING YOU THAT WHEN I MAKE MY SECOND TO THIS I WILL BE LOOKING FOR THAT WHEN YOU COME BACK. DISCUSSION.

VOTE:

VICE CHAIRMAN FERNANDEZ: AYE

CHAIRPERSON KARR: AYE

BOARD MEMBER GREGORY: AYE

MOTION CARRIED.

F. Springs Land/Jessup Shores Plan Amendment

Mr. Grimms spoke of the request; the location of the property; the Purpose; pedestrians having access to the Town Center; and he read the Findings and Staff's Recommendation. Discussion.

MOTION VICE CHAIRMAN FERNANDEZ. "MADAM CHAIR, I'M READY TO MOVE THAT BASED ON THE STAFF'S FINDINGS AS OUTLINED ON PAGES TWO (2) OF THREE (3), AND HAVING HAD NUMEROUS HEARINGS DISCUSSING THIS PARTICULAR, WELL THE TOWN CENTER, I SHOULD SAY, THAT AS A MEMBER OF THE LOCAL PLANNING AGENCY RECOMMEND THAT THE CITY COMMISSION HOLD A SECOND ADOPTION PUBLIC HEARING, ADOPT THE LARGE SCALE COMPREHENSIVE PLAN AMENDMENT (LS-CPA-4-00) BASED ON THOSE FINDINGS WE JUST REFEREED TO AND ON THE ORIGINAL PLANNED AMENDMENT DATA INVENTORY AND ANALYSIS - MR. GRIMMS AS PART OF MY MOTION AND IT'S A REQUEST, NOW INFORMATION FROM YOU. WHEN THEY COME IN WITH THEIR PLANS CAN WE GET THEM TO DO SOME MORE LANDSCAPING OUT THERE ALONG 434 – I WANT OUR ENTRANCEWAY TO THE TOWN CENTER TO REALLY BE TREES, OR LANDSCAPING OR WHATEVER FDOT WILL ALLOW – THAT'S MY MOTION." SECONDED BY BOARD MEMBER GREGORY.

VOTE:

CHAIRPERSON KARR: AYE

BOARD MEMBER GREGORY: AYE

VICE CHAIRMAN FERNANDEZ: AYE

MOTION CARRIED.

I. Conservation & Resource Protection

Mr. Grimms informed the Board that the City was the applicant; and read the Purpose, the Findings, and Staff's Recommendation.

MOTION BY VICE FERNANDEZ. "BASED ON THE FINDINGS AS INDICATED ON PAGE TWO (2) OF THREE (3), THE PRESENTATION OF STAFF THIS EVENING, AS A MEMBER OF THE LOCAL PLANNING

AGENCY I RECOMMEND THAT THE CITY HOLD A SECOND (ADOPTION) PUBLIC HEARING, ADOPT THIS PLAN (LG-CPA-4-00) TO INSURE NO DESTRUCTION OF VEGETATIVE COMMUNITIES, WILDLIFE AND WILDLIFE HABITAT OF THOSE SPECIES DESIGNATED AS ENDANGERED, THREATENED OR OF THE SPECIAL CONCERN, THE (LS-CPA-3-98) TO AMONG OTHER THINGS PROTECT HISTORICALLY SIGNIFICANT CULTURAL AND ARCHEOLOGICAL SITES FOR DEVELOP OR REDEVELOPMENT AND THAT THE (LS-CPA-4-98) TO COORDINATE THE TOWN CENTER WITH RESOURCE PROTECTION PLANS OF LOCAL, STATE AND FEDERAL JURISDICTIONS THAT MAY EXIST.” SECONDED BY BOARD MEMBER GREGORY. DISCUSSION.

VOTE:

BOARD MEMBER GREGORY: AYE

VICE CHAIRMAN FERNANDEZ: AYE

CHAIRPERSON KARR: AYE

MOTION CARRIED.

III. ACTION ITEMS

Vice Chairman Fernandez stated “In so far as Minutes are concerned, I realize our by laws indicate three (3) days but Mr. Grimms did submit a Memorandum as to the tardiness of the package that we received however I – personally would appreciate receiving whatever part is ready to go at least three (3) days before the hearing and then if an somebody comes in – an expert comes in late we can get that stuff later.” He also requested the City to provide a Master Plan Map and a highlighter to the Board Members. Mr. Grimms stated he would highlight the packet maps and get the Board a copy of the Master Plan Map.

Tape 2/Side B

IV. FUTURE AGENDA ITEMS

- EAR
- Meeting With The Commission
- FLUM Map On CD

V. ADJOURNMENT

Chairperson Karr adjourned the meeting at 9:30 p.m.

RESPECTFULLY SUBMITTED:

DEBBIE GILLESPIE
DEPUTY CITY CLERK

APPROVED:

ROSEANNE KARR, CHAIRPERSON
PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

NOTE: These minutes were approved at the _____, 2001 Planning And Zoning Board/Local Planning Agency Meeting.

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CITY OF WINTER SPRINGS
LETTER OF AUTHORIZATION

LEGAL DESCRIPTION OF PROPERTY

Township (T) 21, Range (R) 30, Section (S) 01, Block (B) 0000, Lot/Parcel 0250
Subdivision Name and Number: Tuskawilla
Metes and Bound Legal: Attached
[OK] *Attach and initial if necessary.*

STATE OF: FLORIDA
COUNTY OF: SEMINOLE

I, L. D. Plante, Inc., the simple fee owner of the above described property, hereby authorize Carl H. Cahill of CHC Development Co., Inc., to serve as agent on my behalf and in stead for the purpose of making and executing, at the agent's discretion, an application or applications for development permit approval by the City of Winter Springs, Florida on the aforementioned property including, but not limited to, applications for annexation, special exception, conditional use permit, comprehensive plan amendment, zoning amendment, subdivision of land, city code variance and waiver requests, street and plat vacations, PUD approval, site plan approval, and engineering and building permit approval. Any representation made on my behalf by my authorized agent shall be legally binding on me and my aforesaid property as if I myself had made said representations, and the City of Winter Springs has the right to rely on said representations in approving or disapproving any aforesaid application for development on my aforesaid property.

L.D. PLANTE, INC.

Carl Plante
(Signature of Owner)

Sworn to and subscribed before me
this 21st day of June, 2000

Shirley M. Patterson
NOTARY PUBLIC, State of Florida
My Commission Expires:

Personally Known (✓)
Type of Identification Produced

