

**SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

**COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028**

**WEDNESDAY, OCTOBER 4, 2023
6:00 PM**

MINUTES

Tri State Towing PD Rezone – Consider a Rezone from A-1 (Agriculture) to PD (Planned Development) for a proposed warehouse/office on approximately 0.92 acres, located on the west side of W SR 426, approximately 800 feet north of Connection Point; (Z2023-010) (Brian Taylor, Applicant) District1 - Dallari (**Annie Sillaway, Project Manager**).

Annie Sillaway, Senior Planner, presented this item as stated in the Staff report. She further stated that the Master Development Plan includes 800 square feet of office and 3,500 square feet of warehouse, for a maximum building size of 4,300 square feet and a maximum building height of thirty-five (35) feet. Approximately 10,000 square feet of the subject site will be utilized as outdoor vehicle storage for a towing company, which will be enclosed by a six (6) foot high opaque fence. The towing company currently operates with six tow trucks and provides roadside assistance to the general public as well as emergency response service for public safety, fire, and police. Proposed hours of operation are Monday through Friday from 8:00 a.m. to 6:00 p.m., and a twenty-four (24) hour drop off for emergency response. All the properties on the west side of W SR 426, lying south of W Chapman Road and north of Aloma Woods Boulevard have an Industrial Future Land Use. The purpose and intent of the existing Industrial Future Land Use designation is to identify locations for a variety of heavy commercial and industrial uses oriented toward wholesale distribution, storage, manufacturing, and other industrial uses. The Applicant will be providing 20 percent open space with adequate buffers along the south and east portions of the site. The Applicant is only proposing an F.A.R. of 0.10, which is less intense than the maximum allowable of 0.65 F.A.R., as permitted under the Industrial Future Land Use. Access to the site has an existing cross access agreement, which was established back in 2003. The Applicant will provide a cross access easement to property adjacent to the south. Staff finds the request to be consistent with the Comprehensive Plan and the Seminole County Land Development Code and compatible with the surrounding trend of development in the area. Staff recommends the Tri State Towing PD Rezone be approved and referred to the Board of County Commissioners.

Commissioner Stephen Smith asked if there are offices and warehouses to the north and adjoining property to this project and Ms. Sillaway responded yes, the properties to the north are office and warehouse uses.

Commissioner Tim Smith asked for clarification on where access to the property is located. Ms. Sillaway responded that access will be accessed to the north through an existing developed property.

Kim Fischer, for the applicant, with Cycorp Engineering in Winter Springs, stated that she is available for questions and rebuttal, if needed.

Audience comments in support to this request was via written comments from Angela Williams who did not want to speak, but noted her support of the proposed property.

Audience comments in opposition to this request who spoke included the following:

- 1) Sandy Viele, of Oviedo, stated that she is a concerned citizen and a partner at Oviedo Commerce Center (OCC), which is the property to the north of the proposed property. She became a partner following her husband's passing in 2021. Her husband, George Viele, was the developer of the land and after the project was completed, he became the broker. The integrity of the OCC is of utmost importance to her and her partners. The first question they ask proposed tenants are what type of business is being proposed, so they can make sure the fit is right. They were denied heavy industrial uses from the start with their property. Oviedo Commerce Center is a thriving, fully leased facility. The tenant mix is optimal and they are satisfied with running their successful businesses. The impact to the tenants regarding the proposed driveway access for this applicant will be devastating to the OCC if this application is approved. This causes them fear that tenants will not renew their leases and will leave them with an empty building. She strongly opposes this application, and on behalf of the existing businesses and their employees.
- 2) Glen Leffler, of New Smyrna Beach, stated that his relationship to the Oviedo Commerce Center (OCC) is that he was George Viele's partner. They have cross access with Oviedo Storage to their immediate north, but it is only used as a shared driveway to get to each separate areas. The cross access easement was part of what they had to provide in order for their own PD approval. They gave it, but they didn't know this would involve heavy industrial use. They are light industrial and are currently 100% leased and have been for years. They don't want to lose tenants, which is their primary concern. They were not allowed to do heavy truck repair or storage. This proposal is an auto-wrecker tow yard and they don't believe it is compatible with their use. Heavy tow trucks towing another truck will drive through OCC to get to the proposed tow yard, and who knows what else. They could lose millions of dollars if they lose tenants. They feel no consideration has been given to the existing OCC, its employees, and tenants. They strongly oppose this application with the incredibly inadequate Development Order.

Commissioner Stephen Smith asked if this is where City Electric is located and Mr. Leffler responded that they use to be there in the back. He further stated that they sort of chased them away because they started storing things outside, which they were told they couldn't do that.

Chairman Carissa Lawhun stated that the applicant is only proposing a five (5) foot buffer in-between the existing and proposed properties and asked if the tenants would be able to see a tow yard. Mr. Leffler responded yes. Ms. Sillaway responded that the applicant is proposing a six (6) foot opaque fence around the entire property as well as a five (5) foot buffer. They are proposing a 15 foot buffer to the east and a five foot (5) buffer to the south, including an opaque fence with a security gate to access the storage yard.

Commissioner Stephen Smith asked Mr. Leffler if there are windows looking out from the building to the south or anything that visually backs up to the property. Mr. Leffler responded just egress doors and grass mostly, but there are some windows for Massey Services, which are all office uses.

Chairman Lawhun asked if the entrance will be in front of Massey Services location or in-between the whole complex. Ms. Sillaway and Mr. Leffler spoke from the Chamber's screen citing various locations and points of interest.

Commissioner Smith asked if there is any right-of-way going through this complex and is it a County maintained or private right-of-way. Mr. Leffler responded it belongs to them, a private right-of-way, and they maintain it.

Chairman Lawhun asked Staff if the triangle shown on a map belonged to the Oviedo Commerce Center and Ms. Sillaway responded yes, it is.

- 3) Kimberly Wilson, of Oviedo, stated that she moved here because of the great amenities, weather, and schools. She is not against development, but without proper planning is a disaster for those who have to live among it and across from it. She requests the zoning remain as it is and not rezoned. The proposed development allows for a warehouse/office/towing yard, which would directly affect safety, because it is on the bike trail. It would also increase traffic, adversely affect property values, and minimize enjoyment of the existing residential area. A towing business operates on a 24-hour clock, which disrupts residential areas with traffic and noise. The entrance of her neighborhood is currently used as a u-turn/turnaround spot, which has seen many fatal accidents in front of her neighborhood. They've also experienced flooding in her neighborhood. Additional properties means additional flooding. She stated at the very least do not allow an additional entrance onto SR 426 for this project and a sound barrier should be built around it.

Ms. Fischer, in her rebuttal, stated that they do not have access onto SR 426 and no right-of-way frontage for the proposed project. As part of the Development Order on the

property to the north, it provides access to not only their property, but also the property to the south. This is a private right-of-way easement. Somehow, when the easement was completed, the property to their immediate south had limited access, about three or four feet, which does not provide enough room to get a car through, so it is essentially landlocked. The Applicant is only requesting emergency tow truck use. The applicant is the service provider for the surrounding cities for emergency vehicles needed at accident scenes. This requires them to be within a five (5) mile radius of the intersection of SR 426 and Red Bug Lake Road. A portion of their proposed building will be used for emergency crash scene forensic work. The proposed use is not the type of towing facility that will pick-up cars parked illegally, or other parking violations, but rather a towing facility for emergency vehicles. The access proposed to the north is their only form of access through the existing driveway, which already provides access through its access agreement.

Commissioner Stephen Smith asked the applicant if they're proposing to put up any sort of fence around the property. Ms. Fischer responded yes, and they plan to build a six (6) foot perimeter fence. He further asked if these will be large scale tow trucks or smaller ones. Ms. Fischer responded they are the smaller ones.

Commissioner Stephen Smith asked if the site will be completely paved. Ms. Fischer responded no, but the front portion will be paved for employee parking. The back, where the vehicles will be located, are not there very long and they are not long term storage.

Commissioner Stephen Smith stated his concern that if the vehicles come in from an accident scene and park on dirt services, then fluids from these wrecked vehicles could be leaking transmission fluid, oil, and other unsafe fluids into the aquifer. He asked if there are any provisions for any "catchment" type of systems or grease traps on the property. Ms. Fischer responded that they don't have a grease trap, but they can definitely look at that when they move to the next step of the project process.

Rebecca Hammock, Development Services Director, stated that if there are certain concerns that the Board has related to this development, Staff can add additional conditions into the Development Order.

Commissioner Stephen Smith stated that he would like to see a fully paved site with some type of catchment system for the vehicles with fluid leaks. He thinks it would be the responsible thing to do.

Ms. Sillaway stated that they have hazard mitigation in the County who can have the applicant work with them to see what catchment system should be done to prevent the fluid leaks from getting into the ground. Commissioner Stephen Smith asked if they could table this item until they receive answers on that

Ms. Hammock responded that it is a decision by the Board.

Chairman Lawhun stated that she has a problem with the access. She asked why there can't be another access worked out between these two neighbors or would the County not allow it. Vladimir Simonovski, County Engineering Staff, responded that access would have to cut through the trail with a dedicated cross access easement, because it would still have to go through this developed property. Also it requires the Department of Transportation (DOT) permitting and approval. SR 426 is not a County road, but rather a State road. Chairman Lawhun stated that it could be more direct and not in front of the Center's tenants. Mr. Simonovski responded no because it would cut into the triangle.

Commissioner Tim Smith asked if there any plans to improve the access through the existing easement to get to the proposed site. Mr. Simonovski stated that the access is already 24 feet wide and they will extend that to the property and provide additional cross access easement for the property to the south.

Chairman Lawhun stated that the Future Land Use of these parcels is Industrial. She asked if this request is considered to be a heavier industrial use than what otherwise could be proposed or what the neighbors would otherwise expect. Ms. Sillaway responded that there are many different permitted uses and she would consider this an M-1A, which is like a lighter industrial use, but a little heavier than lighter industrial due to the car storage outside.

Commissioner Stephen Smith made a motion to continue this item, seconded by Commissioner Dan Lopez.

Kim Fischer stated that the applicant would like a denial of the request instead of a continuance.

Chairman Lawhun responded that the Board would like answers before they pass this item on. Ms. Fischer responded that they can provide those answers regarding contaminants, and they don't mind doing an oil/sand separator. They will look at when the Final Engineering stage occurs. This is not something they do at the Zoning stage and Staff will also look at this as well.

Commissioner Tim Smith stated that we are considering a Rezone tonight and they clearly have an easement that has existed, so he is questioning why they're continuing it if it's zoned properly and there is access.

Commissioner Stephen Smith responded that the zoning is specifically for a towing operation. If it were just being a zoned with not knowing what was going to be there, it would be different.

Commissioner Tim Smith stated that Massey could bring in a lot of vans and trucks in and out too, and a lot of other businesses could create that same type of situation. He further stated we can certainly put it to vote, he just wants to make sure they consider what they're really voting on tonight. It hasn't gone through design. Commissioner Dan Lopez

stated that by continuing this until answers are provided on the environmental concerns is not asking too much.

Desmond Morrell asked if the continuance is for the next Planning & Zoning Commission meeting and the Chairman responded yes, to a date and time certain at the next scheduled meeting.

Commissioner Stephen Smith restated his earlier motion to continue the Tri State Towing PD Rezone to the November 1, 2023 P&Z meeting, which was seconded by Commissioner Dan Lopez. The motion failed 3-2.

A motion was made by Commissioner Stephen Smith, seconded by Commissioner Tim Smith to **deny and refer** the Tri State Towing PD Rezone to the Board of County Commissioners. The motion passed 3-2.

Chairman Lawhun clarified the vote to deny and refer the item to the Board of County Commissioners with a roll call vote as follows: Commissioner Tim Smith opposed/nay, Commissioner Dan Lopez opposed/nay, Commissioner Mike Lorenz approved/aye, Commissioner Stephen Smith approved/aye, and Chairman Carissa Lawhun approved/aye. The final vote passed (to deny and refer) 3-2.