

**SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028
MINUTES**

**WEDNESDAY, MAY 3, 2023
6:00 PM**

CALL TO ORDER AND ROLL CALL

Present: (6) Chairman Carissa Lawhun, Vice Chairman Dan Lopez, Commissioner Walter Grundorf, Commissioner Richard Jerman, Commissioner Mike Lorenz and Commissioner Stephen Smith.

Absent: (1) Commissioner Tim Smith

ACCEPT PROOF OF PUBLICATION

A motion was made by Commissioner S. Smith, seconded by Commissioner Lorenz to approve the Proof of Publication.

Ayes: (6) Chairman Lawhun, Vice Chairman Lopez, Commissioner Grundorf, Commissioner Jerman, Commissioner Lorenz and Commissioner S. Smith

Absent: (1) Commissioner T. Smith

APPROVAL OF MEETING MINUTES

A motion was made by Commissioner Grundorf, seconded by Commissioner Jerman to approve the April 5, 2023, Minutes as submitted.

Ayes: (6) Chairman Lawhun, Vice Chairman Lopez, Commissioner Grundorf, Commissioner Jerman, Commissioner Lorenz and Commissioner S. Smith

Absent: (1) Commissioner T. Smith

TECHNICAL REVIEW ITEMS:

Towns at Greenleaf PSP – Towns at Greenleaf PSP- Approve the Preliminary Subdivision Plan for the Towns at Greenleaf subdivision containing thirty-three (33) townhome lots on 6.71 acres zoned R-3A (Multiple Family Dwelling) located southwest of Slavia Road and West SR 426; (Henry Chirinos, Applicant) District1 - Dallari (**Annie Sillaway, Project Manager**).

Annie Sillaway presented this item as stated in the Staff Report. She further stated that the Applicant is requesting approval of the Towns at Greenleaf Preliminary Subdivision Plan (PSP). The PSP proposes thirty-three (33) townhome lots on 6.71 acres with a maximum density of 7.86 dwelling units per net buildable acre.

The subject site was Rezoned to R-3A (Multiple-Family Dwelling) and Future Land Use Map Amendment to Medium Density Residential for the proposed subdivision and was approved by the Board of County Commissioners on February 14, 2023. The PSP complies with all the conditions of the R-3A (Multiple Family Dwelling), Chapter 35 of the Seminole County Land Development Code, and the Conceptual Plan, and Development Order. Site access is from SR 426, all internal roads will be private and Seminole County is the utility provider for water and sewer.

Recommend approval of the Preliminary Subdivision Plan for the Towns at Greenleaf subdivision.

The Applicant was present and agreed with Staff as presented.

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

A motion was made by Commissioner Grundorf, seconded by Vice Chairman Lopez to Approve the Preliminary Subdivision Plan for the Towns at Greenleaf subdivision

Ayes: (6) Chairman Lawhun, Vice Chairman Lopez, Commissioner Grundorf, Commissioner Jerman, Commissioner Lorenz and Commissioner S. Smith

Absent: (1) Commissioner T. Smith

Hidden Woods Preserve PSP – Approve the Preliminary Subdivision Plan for the Hidden Woods Reserve Subdivision containing twenty-two (22) single-family residential lots on 9.42 acres zoned PD (Planned Development), located approximately ¼ mile west of the intersection of Virginia Avenue and Sheppard Street; (GSL Holdings 1, LLC., Applicant) District3 – Constantine (**Joy Giles, Project Manager**).

Joy Giles presented this item as stated in the Staff Report. She further stated that the PSP proposes twenty-two (22) single-family residential lots with a maximum density of 2.4 dwelling units per net buildable acre and a minimum lot size of 8,050 square feet. The internal road will be privately owned and maintained by the HOA and the utilities will be provided by Seminole County.

The PSP complies with all the conditions of Chapter 35 of the Seminole County Land

Development Code and the Hidden Woods Reserve Development Order that was approved by the Board of County Commissioners on December 24, 2021. Staff recommends approval of the Hidden Woods Reserve Preliminary Subdivision Plan as requested.

Rebecca Wilson, on behalf of the Applicant, was present and agreed with Staff as presented.

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

A motion was made by Vice Chairman Lopez, seconded by Commissioner Jerman to approve the Preliminary Subdivision Plan for the Hidden Woods Reserve Subdivision.

Ayes: (6) Chairman Lawhun, Vice Chairman Lopez, Commissioner Grundorf, Commissioner Jerman, Commissioner Lorenz and Commissioner S. Smith

Absent: (1) Commissioner T. Smith

PUBLIC HEARING ITEMS:

Store Space Altamonte PD Major Amendment and Rezone – Consider a Rezone from PD (Planned Development) to PD (Planned Development) for a proposed self-storage facility on approximately 6.85 acres, located approximately ¼ mile west of US Hwy 17-92, at the corner of Anchor Road and Merritt Street.

Annie Sillaway, Senior Planner, presented this item as stated in the Staff Report. She further stated that on June 9, 2009, Seminole County approved the Anchor Road Planned Development Rezone and Future Land Use Map Amendment consisting of C-3 (General Commercial and Wholesale) permitted uses and outdoor storage on the subject site.

The Applicant is limiting the allowable uses to only allow a self-storage facility and prohibiting outdoor storage on site. In order to achieve compatibility with the adjacent residential subdivision to the west, the Applicant has agreed to the following conditions:

- Landscape Buffers around the entire portion of the site, and more detailed buffer components will be defined at the time of the Final Development Plan.
- Along the west portion of the site, there will be a fifteen (15) foot landscape buffer with a six (6) foot high PVC fence, as well as an additional thirty-five (35) foot tree preservation area.
- All of the proposed site lighting will be fully shielded, and the light poles shall not exceed sixteen (16) feet in height.
- The building will include architectural trim design on portions of the parapet as shown on the architectural renderings submitted by the Applicant and will be placed in the Development Order as Exhibit "C".
- Windows will only be placed facing Merritt Street and Anchor Road; there will be no windows facing west toward the existing residential neighborhood.

The Applicant for the proposed site is providing thirteen (13) spaces for the 118,932 square

foot building.

Water and sewer will be provided by the City of Casselberry.

A community meeting was held on January 25, 2023, and six people attended the meeting. The Applicant will be providing the required twenty-five (25) percent open space.

The proposed Planned Development zoning classification is compatible with adjacent properties with existing industrial developments in the area, which are located within the City of Casselberry. The proposed building is in keeping with the surrounding warehouse uses and will not exceed the previously approved Floor Area Ratio (FAR) of 0.40 of that was approved in 2009. The site and the proposed Planned Development will generate minimal demand for roadway and utility capacity. Staff finds the rezoning request to Planned Development to be consistent with the Comprehensive Plan and the Seminole County Land Development Code.

A mailed letter in opposition of this project was received from Susan E. Parker at 303 Salina Drive Altamonte Springs. This letter was emailed to the Planning Commission on May 2nd. Another letter in support of this project from Grace Lias at 317 Salina Drive, Altamonte Springs, was received on May 3rd and was distributed to the Commission this evening.

Staff recommends the Board of County Commissioners adopt the proposed Ordinance enacting a Rezone from PD (Planned Development) to PD (Planned Development) and approve the associated Development Order and Master Development Plan for 6.85 acres, located approximately ¼ mile west of US Hwy 17-92, at the corner of Anchor Road and Merritt Street.

McGregor Love, for the Applicant was present and agreed with Staff as presented.

Connie Thomas, Altamonte Springs and representing the Granada South HOA, spoke in favor of the project.

A motion was made by Commissioner S. Smith, seconded by Commissioner Grundorf to recommend to the Board of County Commissioners to adopt the proposed Ordinance enacting a Rezone from PD (Planned Development) to PD (Planned Development) and approve the associated Development Order and Master Development Plan.

Ayes: (6) Chairman Lawhun, Vice Chairman Lopez, Commissioner Grundorf, Commissioner Jerman, Commissioner Lorenz and Commissioner S. Smith

Absent: (1) Commissioner T. Smith

Mustang Way Rezone – Consider a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) for a single family residential subdivision on approximately eighteen (18) acres, located east of Nodding Pines Way, approximately ¼ mile south of Red Bud Lake Road; (Z2019-55) (Steve Coover, Applicant) District1 - Dallari (**Joy Giles, Project Manager**).

Joy Giles, Senior Planner, presented this item as stated in the Staff Report. She further stated the Applicant is requesting approval of the Mustang Way Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) for a single-family residential subdivision on approximately eighteen (18) acres, located east of Nodding Pines Way, approximately ¼ mile south of Red Bug Lake Road.

The Applicant proposes to develop a single-family residential subdivision in compliance with the R-1AA zoning classification with a minimum lot size of 11,700 square feet and a minimum lot width of ninety (90) feet. The subject property has a Low Density Residential Future Land Use designation, which allows a maximum density of four (4) dwelling units per net buildable acre. As shown on the surrounding density map, which was provided to the Commissioners prior to the meeting, the site is surrounded by single-family residential subdivisions. The properties adjacent on the west and north were developed in compliance with the R-1AA zoning classification with a minimum lot size of 11,700 square feet; and the subdivision adjacent on the east has a PD zoning classification with a minimum lot size of 9,000 square feet. The property adjacent on the south of the subject site operates as a water treatment plant owned by Seminole County.

The property contains floodplain and wetlands in the southern portion of the site boundary. A fifteen (15) foot minimum, twenty-five (25) foot overall average wetland buffer will be required around all post development wetlands. All wetlands and floodplains must be placed in a conservation easement at time of Final Plat. The property is located within the Seminole County Utilities service area and will be required to connect to public utilities. Access to the site is proposed from Nodding Pines Way; more specifically, access is proposed from Lot 16 of the Sutter's Mill Unit #2 plat, also known as the Nodding Pines Estates Subdivision. The Developer proposes to replat and redevelop Lot 16 into a sixty (60) foot wide access road with a fifteen (15) foot wide buffer tract on the north and a fifteen (15) foot wide buffer tract on the south in order to prevent Lot 15 and Lot 17 from becoming corner lots.

The subject eighteen (18) acre site is comprised of six (6) undeveloped parcels, none of which have direct access onto a County standard road. There is a fifteen (15) foot wide ingress/egress easement known as Mustang Way that runs along the north perimeter of the Howell Creek Park Subdivision; however, the easement is not wide enough to provide access that would meet County standards for road width and pavement for a subdivision; therefore, the only viable access to the site would be from Nodding Pines Way. The requested rezone from A-1 to R-1AA has been evaluated for consistency with the Seminole County Comprehensive Plan and the Land Development Code.

Under Policy FLU 17.5 – Evaluation Criteria of Property Rights Assertions; Staff must determine if the requested use is a reasonable use of the property providing compatibility with abutting properties and is consistent with generally accepted land use planning principles. The requested R-1AA zoning classification is compatible with the surrounding trend of development in the area which consist of single-family residential subdivisions developed under the R-1AA zoning classification.

Under Transportation Policy TRA 2.2.17 – Local Street Connectivity, the County shall encourage redevelopment and infill properties to access from existing local roads, where feasible, in leu of creating additional access points on collector and arterial roadways. The

proposed access from Nodding Pines Way is consistent with the aforementioned policy by creating interconnectivity from an existing local road.

Under Policy FLU 1.1 Environmentally Sensitive Lands, the County shall continue to regulate and preserve environmentally sensitive lands such as floodplain and wetlands. All post development wetlands must maintain a fifteen (15) foot minimum, twenty-five (25) foot overall average wetland buffer. All post development wetlands and floodplains will be required to be placed in a conservation easement at time of Final Plat. Any impacts to wetlands must first be approved by the Department of Environmental Protection.

In compliance with Seminole County Land Development Code Sec. 30.49 – Community Meeting Procedures, the Applicant conducted a community meeting on February 6, 2023.

Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) on approximately eighteen (18) acres, located east of Nodding Pines Way, approximately ¼ mile south of Red Bug Lake Road.

Commissioner S. Smith asked if a deceleration lane was on Red Bug Lake Road from Nodding Pines Way. Mr. Potter, Seminole County Development Review Engineer, stated he believed there was a turn lane entering the subdivision.

Chairman Lawhun asked how many lots were being requested. Ms. Giles stated that there is no Concept Plan because this project is a straight rezone, so the exact number is unknown.

Chairman Lawhun asked Ms. Giles to demonstrate on the overhead map what access would be given up and where the proposed access would be. Ms. Giles showed the access areas from Nodding Pines Estates existing Lot 16 Map.

Commissioner S. Smith asked if the subject Lot 6 was currently vacant. Ms. Giles stated that there is currently a home located on the lot.

Discussion ensued between Staff and Commissioners.

McGregor Love, for the Applicant, stated he agreed with Staff as presented and added that the only question to present to the Board would be whether R-1AA Zoning is consistent with underlying Future Land Use.

Commissioner S. Smith asked how many people attended the community meeting and if the concerns raised by the community were addressed. Mr. Love replied a substantial amount of people attended and their concerns were addressed.

The following individuals spoke in opposition to the project:

- Leila Braswell, Casselberry, spoke in reference to having no information on what is to occur on the subject site other than a rezone. She also mentioned traffic congestion, location of schools and parks in the area.
- Michael St. Lawrence, Casselberry, stated nearby residents did not receive minutes

from the community meeting. He also spoke regarding Mustang Way access and traffic congestion.

- Joseph Hurley, Casselberry, stated that Nodding Pines Way should not be used as access to a big housing development.
- Lawrence Smith, Casselberry, stated he was not at the meeting to speak but wanted to ask the Commission questions regarding Mustang Way access. He stated he was a certified building contractor in the State of Florida. Chairman Lawhun stated to Mr. Smith to ask his questions and Staff would make a note and respond to him. Mr. Smith asked if there was a legal means of egress and what are the parameters of the subject property. He also asked how the decision was made to rezone and if the decision was unanimous or made by a committee or majority rules.

Mary Moskowitz, Planning and Development Manager stated Mustang Way is a private easement with regards to egress.

Ms. Giles stated that the existing Mustang Way private easement is fifteen (15) feet wide. It was conveyed in the 1980's to the property owners of the subject site that when the subdivision to the east was developed, Mustang Way would be the access road. Currently, the subject site is not developed and there are not single-family residential homes on the parcels.

Mary Moskowitz stated that if single-family homes were built on the subject site, they would have to meet all current building and life safety codes that would include fire access regulations. Ms. Moskowitz addressed Mr. Lawrence Smith's question regarding how the decision was made to rezone by stating that the P&Z Commission is a recommending body that will make a recommendation to the Board of County Commissioners and that recommendation will be presented at the June 13, 2023, BCC Meeting.

Discussion ensued between Staff, Mr. Lawrence Smith and the Commissioners.

Rebecca Hammock, Development Services Director, stated she spoke with the Seminole County Fire Marshal regarding Mustang Way and stated five (5) of the six (6) parcels are parcels of record, and are vested and qualify for single-family residential building permits. Mustang Way can be used for emergency vehicle access. Normally, a twenty (20) foot unobstructed access way is required however, since the parcels are vested, and building could not be prohibited the developer would have to demonstrate alternative means to ensure NFPA standards are being met.

- George Karl, Casselberry, spoke regarding Mustang Way access for any additional development and suggested a review of the flood plain and wetlands south of the subject property due to flooding issues that could occur in the future.
- Monica Lewis, Casselberry, spoke regarding her opposition to the rezone. She stated one of the reasons she bought her property was because the land behind her was zoned Agricultural.
- Mike Maroney, Casselberry, stated he felt Nodding Pines Way was too narrow to support an entrance to a possible thirty (30) or forty (40) homes.
- Lisa Maroney, Casselberry, stated her neighborhood off of Nodding Pine Way was made for blue collar working people. Ms. Maroney also spoke regarding her medical issues and upcoming retirement. She feels the rezoning would be the

beginning of erosion in the area.

- Roy McCatty, Casselberry, spoke stating Mustang Way is situated along the back of his property and future traffic congestion could cause severe damage to his property.
- Al Linder, from Casselberry and the Howell Creek Park HOA President, stated he is one (1) of the four (4) houses that is adjacent to Mustang Way and that he and the other three (3) houses pay taxes on it therefore, he believes Mustang Way is a private road. He also stated the last time construction equipment was brought onto Mustang Way; his retaining wall began to collapse. Mr. Linder also voiced his concerns regarding wildlife placement if the project was approved.
- Richard Worzalla, Casselberry spoke regarding future traffic, water and safety impacts in the area if the rezone is approved.

The following individuals filled out comment cards in opposition to the project:

Rene Fossey, Winter Springs; Leonard Diezi, Casselberry.

McGregor Love, for the Applicant, rebutted by clarifying that Mustang Way was a rezone project only. Road access is an issue that would be reviewed at the Preliminary Subdivision Plan stage, Engineering stage, etc. He also stated that the subject site is designated as Low Density Residential and is consistent with regards to the Comprehensive Plan.

Commissioner Jerman asked Chad Moorhead, Engineer at Madden, Moorhead and Stokes, if the sewer use from the subject site would be pumped into the gravity line located at Nodding Pines. Mr. Moorhead stated he anticipated that to be the case. Commissioner Jerman asked where the future lift station would be located. Mr. Moorhead stated he believed it would be located to the south of the subject site.

Discussion ensued between Mr. Moorhead and the Commission.

Commissioner S. Smith asked Staff if Nodding Pines Way was always a County road. Mr. Potter, Seminole County Development Review Engineer, confirmed it was platted as a County road.

Discussion between Board members ensued.

A motion was made by Commissioner Jerman, seconded by Commissioner S. Smith to recommend the Board of County Commissioners deny the adoption of the Ordinance enacting a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) single family residential subdivision on approximately eighteen (18) acres, located east of Nodding Pines Way, approximately ¼ mile south of Red Bug Lake Road the Board of County Commissioners based on a finding that the R-1AA Zoning is not consistent with the character of the area and that the RC-1 Zoning classification would be a more appropriate zoning classification for this site.

Ayes: (6) Chairman Lawhun, Vice Chairman Lopez, Commissioner Grundorf, Commissioner Jerman, Commissioner Lorenz and Commissioner S. Smith

Absent: (1) Commissioner T. Smith

Tuskawilla Storage PD Rezone – Consider a Rezone from M-1 (Industrial) and A-1 (Agriculture) to PD (Planned Development) for a proposed self-service storage facility on approximately 4.81 acres, located on Tuskawilla Road approximately 200 feet south of Michael Blake Blvd.; (Z2022-20) (David Axel, Applicant) District2 - Zembower (**Doug Robinson, Project Manager**).

Doug Robinson, Principal Planner, presented this item as stated in the Staff Report. He further stated the Applicant is requesting a rezone from M-1 (Industrial) and A-1 (Agriculture) to PD (Planned Development) to allow a proposed self-storage facility on one (1) parcel totaling 4.81 acres.

The site has been vacant since at least 2007. It was originally a Hi-Flavor Meats plant. The building was demolished in the 2006 to 2007 timeframe. The site currently has a future land use designation of Industrial and self-storage is only permitted in the Industrial Future Land Use designation in unincorporated Seminole County.

The property's surroundings and proximity to the City of Winter Springs' Town Center T-4 Zoning presented concern regarding compatibility with the character of the surrounding area. Given the character of the area and concerns about integrating with the Town Center uses, the Applicant is proposing a Planned Development (PD) to create compatibility with the surroundings. The Applicant has committed to several design criteria to lessen impacts to surrounding uses and properties, such as designing the building exterior to be consistent with the Town Center guidelines, restricting the building height to twelve (12) feet on the eastern 200 feet of the site, screening views of mechanical and fire protection equipment, designing the site so that external storage bay doors will not be easily seen from off site, and reducing light spillage onto surrounding properties. The Applicant is also restricting the hours of operation to 7:00 a.m. to 9:00 p.m., Monday to Sunday, seven (7) days per week.

Access is proposed off of Tuskawilla Road through an existing access that aligns with Avery Lake Drive. Avery Park is a single-family residential neighborhood on the west side of Tuskawilla Road. Tuskawilla Crossings is to the east and abuts the property. The property to the north is vacant. The site to the south is open space for Tuskawilla Crossings.

The subject site is located in the City of Winter Springs utility service area. The Applicant provided a letter that was sent to the City of Winter Springs requesting water and sewer service for the proposed development. The Applicant has indicated that they have not received a response. The Applicant has since proposed developing the site using a private well and an onsite sewage treatment and disposal system, claiming sewer service is not available per Florida Statutes. In accordance with Florida Statutes, the Applicant is proposing an onsite sewage limit of 1,000 gallons or less per day. Based on the specific use, the Seminole County Environmental Services Department has determined that a central water connection is not required to connect to central water.

Since the Applicant is proposing a private well for water, the Seminole County Fire Department Fire Prevention Division has stated an alternative fire protection system is

required and must be found in compliance with Florida Fire Prevention Code prior to Final Development Plan approval.

The site contains wetlands. The wetland delineation buffers shall be required at Final Development Plan. The site has been vacant since 2007, so there is potential for the site to have endangered or threatened species. Staff will require a listed species survey be provided prior to Final Development Plan approval. The Development Order and Master Development Plan call for landscape buffers on all sides of the project. Landscape buffer widths range from ten (10) feet for the north and south sides, to twenty (20) feet on the east side, and twenty-five (25) feet on west side, along Tuskawilla Road. The development must also provide a total of twenty (20) percent open space, which may include the landscape buffers.

A community meeting for this project was held on Tuesday March 14, 2023, at 6:00 p.m. There were at least eighty-seven (87) attendees. The Applicant stated that a wide range of questions and concerns were raised regarding the project. This information was included in the meeting summary. The City of Winter Springs has provided a letter of objection to the proposed rezone and to date Staff has received two (2) letters from citizens who oppose the project. Staff finds the proposed use and intensity consistent and compatible with the Seminole County's Comprehensive Plan for the Industrial Future Land Use designation. Staff also finds the proposed PD zoning classification to be consistent with the County's Land Development Code and the surrounding area. Staff recommends that the Board of County Commissioners adopt the Ordinance enacting a Rezone from M-1 (Industrial) and A-1 (Agriculture) to Planned Development for 4.81 acres and approve the associated Development Order and Master Development Plan, located on Tuskawilla Road approximately 200 feet south of Michael Blake Boulevard.

Commissioner S. Smith asked if the City of Winter Springs had water and sewer running in front of the property. Mr. Robinson stated they did and believes it was a twelve (12) inch water main and there are fire hydrants along Tuskawilla Road. Commissioner S. Smith then asked if the City of Winter Springs was denying the landowner to tie in. Mr. Robinson stated he couldn't say for sure however, Staff has reached out to the City of Winter Springs as to whether or not they had received a letter from the Applicant. Mr. Robinson also stated Staff did not receive a response as to whether the letter from the Applicant was received by Staff.

Brent Spain from Theriaque & Spain, for the Applicant, was present and agreed with Staff as presented.

Commissioner S. Smith asked Mr. Spain if he had applied to the City of Winter Springs for water and sewer. Mr. Spain stated the water is located on Tuskawilla Road and the sewer is located in Tuskawilla Crossings and runs down Strong Tree Way. Mr. Spain stated there is a ten (10) foot strip separation between the subject property and Strong Tree Way, so the subject site is not adjacent. Mr. Spain also stated the Applicant submitted a written request to the City of Winter Springs to check on the availability of water and sewer and the Applicant has also personally met with the Winter Springs City Manager after submitting the letter and to date, there has been no written response received by the Applicant.

The following individuals spoke in opposition to the project:

- Anthony Garganese, Attorney for the City of Winter Springs, stated he was present on behalf of the City of Winter Springs Commissioners and wanted to convey their opposition to the project and feels that the current A-1 zoning is already consistent with comprehensive plan future land use designation (Exhibit 9). Mr. Garganese submitted a conceptual plan for the Planning and Zoning Commissioners to view as well as artist renderings of the building based on the Concept Plan obtained through the public records request. Mr. Garganese mentioned Seminole County Comprehensive Plan Policies such as Issue IGC 3, Policy IGC 1.10, Policy FLU 2 regarding the relationship between the City and the County and trying to protect the compatibility of development projects next to residential areas. Mr. Garganese submitted a map of the subject property that included surrounding densities of residential developments for the record.
- David Plummer, homeowner in Winter Springs, spoke stating he would not have purchased his home last year if he had known a rezoning of the undeveloped areas to accommodate a storage facility was a possibility.
- Dexter Glasgow, Winter Springs, spoke stating a storage facility isn't comparable to anything that has been built in the community.
- Byron Walden Jr., Winter Springs, spoke in regard to the decline of property values due to the subject project and feels the subject project does not belong in the area.
- Joel Trouce, Winter Springs, spoke regarding the size of the subject property and felt the Community Meeting for this project was poorly managed. He also spoke about fire protection concerns and sewage from the subject property if not connected to the City's sewage lines.
- Christina Maley Higley, Avery Park HOA Representative - Winter Springs, spoke regarding the management of the Community Meeting for this project and compatibility of the subject property to a residential neighborhood. She also spoke regarding the lack of similar examples in Seminole County.
- Kevin Cannon, Winter Springs, spoke regarding water and sewer issues and the County's Comprehensive Plan, Policy PR 2.2. Section K., and PR 2.2.b.
- Nick Tafelsky, Winter Springs, spoke regarding the size of the subject building being proposed and the County's Comprehensive Plan Future Land Use element with regard to the protection of homes.
- Victoria Colangelo, Winter Springs, spoke regarding her constituents and their opposition to the subject project and the proposal of a turn lane off of Tuskawilla Rd. She also spoke regarding the pre-annexation agreement.

Mary Moskowitz, Planning and Development Manager, stated that there was mention by Winter Springs staff that a Staff Report was missing from the Agenda Packet. She confirmed a Staff Report was present in the Agenda Packet.

Doug Robinson stated that there was a link emailed to Mr. Tafelsky of the City of Winter Springs.

- Winter Springs Mayor Kevin McCann of Winter Springs stated the storage unit does not belong in the proposed area. Mayor McCann cited Florida Legislation Section

171.046, regarding enclaves and Florida State Statute 381.0065. Mayor McCann stated he spoke with the Environmental Health Director of the Florida Department of Health who replied to Mayor McCann's questions, stating that based on the information provided, she (Health Director) would suggest that the Applicant seek to tie in to the available water system and easement in front of the property. Mayor McCann supplied a Pre-Annexation and Town Center Redevelopment Agreement for the record.

The following individuals filled out comment cards in opposition to the project:

David Duckworth, Winter Springs; Bridgett Tolley, Winter Springs; J.B. Gurney, Winter Springs; Peter Kueera, Winter Springs; ACHA, Winter Springs.

Brent Spain from Theriaque & Spain, for the Applicant, rebutted by stating the following:

- The City of Winter Springs has known for a year that the Applicant has been working through the approval process for the subject project.
- The subject development is not located within the City of Winter Springs and at no time did the City of Winter Springs offer to provide water and sewer.
- Fire protection has been reviewed. The subject site will be serviced by an onsite fire/water storage tank and will have to meet all of the necessary requirements.
- The subject site will be screened and not visible from surrounding properties, which is reflected in the Master Development Plan and Development Order.
- There is no intention to impact the wetlands on the site.
- The subject site is designated Industrial Land Use and M-1 zoning in the front which allows for a mini storage facility. Staff recommended the Planned Development route during the process so that any compatibility issues could be addressed along with any restrictions.
- Within 200 feet from the subject property to the east the building height is limited to twelve (12) feet. Tuskawilla Crossings is thirty-five (35) feet in height and homes that are located on Strong Tree Way near the alley are rear-entry garages facing the alley way. So, it is not front-end houses facing the rear.
- There is a ten (10) foot fully vegetative buffer east of Tuskawilla Crossings that is maintained, and the subject development is providing an additional twenty (20) foot buffer. Additionally, within 200 feet of the property line, the subject developer is limited to twelve (12) feet in total height.
- The rendering submitted to the County by the Developer shows through allowable buffering, the subject building cannot be seen from the ground.
- The City stated the subject building is not the largest building in the area to include the high school. That statement is false.
- The Staff Report is available through the electronic agenda on the County's website.
- The City's Attorney questioned if the Master Development Plan complies with County requirements because the plan doesn't include or show a building footprint. The developer is not required to include a building footprint – they are allowed to submit a bubble plan, which has been fully reviewed by Staff and meets all the requirements for a Master Development Plan.
- The inaccurate rendering the City compiled of the subject building is not to scale. In fact, the backing buildings they depicted on their rendering looks nothing like twelve

(12) feet in height. The front of the building is certainly not thirty-five (35) feet in height.

- The Savoy Apartments is a four (4) story, 140,000 square feet multi-family senior apartment building. There has been an incorrect suggestion that the subject developer is building a mammoth 107,000 square foot building. The maximum Floor Area Ratio (FAR) on the Industrial Land Use subject property is 0.65. Based on the (FAR), the maximum amount of square footage that could be built on the subject site is 107,000 square feet. An aerial view of the subject property and surrounding site was submitted by Mr. Spain for the record.
- The Rize Apartment Complex located in the City of Winter Springs adjacent to the Winter Springs City Hall that is 340,000 square feet, is closer to Tuskawilla Crossings than the proposed subject mini storage.
- The County's Future Land Use Map clearly labels the subject property as Industrial. It wasn't changed to Industrial after Tuskawilla Crossings was built in 2014 or after nearby Avery Park being built in 2001. The subject site has been labeled as Industrial the entire time the subject property was being developed.
- The Winter Springs City Planner stated incorrectly that there is nothing in the City's Staff Reports that addressed compatibility. The Winter Springs staff report for both Tuskawilla Crossings and Avery Park projects are located in the backup materials in the P&Z Agenda.
- When the City of Winter Springs voted to amend the land use to allow the development of Tuskawilla Crossings and Avery Park they recognized then that the land use in Seminole County was Industrial and the land use and rezoning was compatible with the existing surrounding uses.
- The City of Winter Springs had a finding when they rezoned and changed the land use that the Town Center was compatible with the Industrial Future Land Use adjoining it.
- Staff Reports constitute competence of substantial evidence unless they are found conclusory. The County's Staff Report is more than conclusory. In fact, the Staff Report contains multiple pages that address the enhancements, restrictions and additions that have been added to the process through the proposed Planned Development to ensure potential compatibility concerns were addressed. Just the Staff Report alone satisfies the Applicant's burden.
- Speculation and conjecture do not constitute competence of substantial evidence.
- You have heard from no one this evening that has attested they were an expert.
- Traffic concerns have been raised this evening. The developer is maintaining sidewalk connections that is required in the Development Order. Mini storage areas are extremely low traffic generators.
- Mr. Axel, the Applicant, addressed any and all questions raised in the Community Meeting that was held. Additional chairs were supplied when needed for seating.
- Large placards were displayed for anyone to view and take pictures of. The Applicant and their staff remained after the Community Meeting had ended so that individuals could take photos of the renderings and the Master Development Plan.
- An architectural firm, who has designed projects in the Town Center, approved by the City of Winter Springs, has been retained by the Applicant to design the proposed subject project. The proposed rendering of the subject development is attached to the Development Order in the Agenda Packet. The rendering shows the subject property was designed to address any concerns. There is articulation in the

rooflines, multiple building materials are used, faux and mirrored windows are being used, roll-up bays will not be visible from outside of the subject property, a store front at the corner facing Tuskawilla Drive is being used at the corner of the subject building.

- The Master Development Plan includes the proposed drain field located in front between the subject building and Tuskawilla Drive.
- Notices regarding the proposed project were mailed to all addresses within the County's requirement.
- The front buffers are designed to meet Winter Springs' frontage road standards.
- All storage bay requirements within the Development Order are met.
- The County Code for light spillage is 0.5. The proposed project is reducing the lights spillage to 0.25.
- A rendering of an Ace Hardware Store, that was recently approved by the City of Winter Springs, was introduced for the record along with the Winter Springs staff report and public hearing agenda. That approved project is no different than the subject proposed plan.
- FS 171.046 reads a municipality may annex an enclave by Interlocal Agreement with the county having jurisdiction over the enclave. There was no Interlocal Agreement or Referendum introduced this evening.

Board discussion ensued.

Senior Assistant County Attorney Desmond Morrell stated he reviewed FS 171.046 and believed Attorney Spain did quote the Statute accurately.

Board discussion ensued.

A motion was made by Commissioner Jerman, seconded by Commissioner S. Smith to recommend to the Board of County Commissioners to adopt the Ordinance enacting a Rezone from M-1 and A-1 to Planned Development for 4.81 acres and approve the associated Development Order and Master Development Plan.

Ayes: (5) Chairman Lawhun, Vice Chairman Lopez, Commissioner Grundorf, Commissioner Jerman, and Commissioner S. Smith

Nays: (1) Commissioner Lorenz

Absent: (1) Commissioner T. Smith

CLOSING BUSINESS

Mary Moskowitz, Planning and Development Division Manager, stated to the Commissioners that each have an invitation located on the Dias to attend the Planning Academy 101 on June 2, 2023. Any Commissioners interested in attending, please contact Ms. Moskowitz or the P&Z Clerk.

ADJOURNMENT – Having no further business, the meeting adjourned at 8:47 P.M.