

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

**WEDNESDAY, FEBRUARY 5, 2025
6:00 PM**

DRAFT MINUTES

CALL TO ORDER AND ROLL CALL

Present (5): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Richard Jerman, and Commissioner Carissa Lawhun

Absent (2): Commissioner Lourdes Aguirre and Commissioner Dan Lopez

ACCEPT PROOF OF PUBLICATION

A motion was made by Commissioner Carissa Lawhun, seconded by Commissioner Richard Jerman to accept the Proofs of Publication. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Richard Jerman, and Commissioner Carissa Lawhun

APPROVAL OF MINUTES

A motion was made by Commissioner Brandy Ioppolo, seconded by Vice Chairman Tim Smith to approve the January 8, 2025 Minutes, as submitted. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Richard Jerman, and Commissioner Carissa Lawhun

TECHNICAL REVIEW ITEMS

Howell Branch Subdivision Preliminary Subdivision Plan – Approve the Preliminary Subdivision Plan for the Howell Branch Subdivision containing fifteen (15) residential lots on 4.34 acres zoned R-1BB (Single Family Dwelling), located on the east side of Howell Branch Road, approximately 800 feet south of Bear Gully Road; (Tom Faber, Applicant); District 1-Dallari; (Kaitlyn Apgar, Planner).

Kaitlyn Apgar, Planner, presented this item as stated in the Staff report. She further stated that the property was rezoned from A-1 to the current zoning of R-1BB on August 22, 2023. The Future Land Use is Medium Density Residential, which allows up to a maximum of 10 dwelling units per net buildable acre. The subdivision is proposing a total of 15 lots on 4.34

acres. The project proposes approximately 4 dwelling units per net buildable acre. The minimum lot size of each lot is 5,000 square feet and the minimum lot width at building line is 50 feet. Each lot proposed is meeting the minimum zoning requirements. All internal roads will be private and maintained by the Homeowner's Association. Utilities will be provided by Seminole County. Staff requests approval of this Technical Review item.

Tom Faber, the applicant, was available for questions.

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

A motion was made by Commissioner Carissa Lawhun, seconded by Commissioner Brandy Ioppolo.

Ayes (5): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Richard Jerman, and Commissioner Carissa Lawhun

PUBLIC HEARING ITEMS

Highway 46 Commercial Small Scale Future Land Use Map Amendment and PD Rezone – Consider a Small Scale Future Land Use Map Amendment from Higher Intensity Planned Development-Target Industry to Planned Development, and a Rezone from A-1 (Agriculture) and C-1 (Retail Commercial) to PD (Planned Development) for a proposed automotive collision center on approximately 11.64 acres, located on the north side of State Road 46 and west of Harvest Time Drive. (Z2024-022/10.24SS.01); (Thomas A. Dixon, Applicant); District5-Herr; (Kaitlyn Apgar, Planner).

Kaitlyn Apgar, Planner, presented this item as stated in the Staff report. She further stated that the proposed Future Land Use Amendment is from Higher Intensity Planned Development Target Industry to Planned Development. The applicant is proposing a maximum Floor Area Ratio of 0.35. The parcel currently has split zoning, the northern half is A-1, Agriculture and the southern half is C-1, Retail Commercial. The property is currently existing as an abandoned borrow pit and has a Single-Family structure on the property. The applicant is proposing to de-water a portion of the borrow pit while utilizing the rest for stormwater retention. The Applicant proposes to develop the subject site as an automotive collision center to the east and a second commercial parcel to the west. Permitted uses include uses as allowable under the C-2 General Commercial district, as well as the collision center uses. The PD proposes sufficient setbacks and buffering between the proposed development and the abutting medium density residential uses, as well as the future commercial development to the west that is fronting SR 46. The property is located within two overlays. The Urban Centers and Corridors Overlay is applicable through the Comprehensive Plan. The development meets the overall intent of the Urban Centers and Corridors Overlay in that the redevelopment of the site will provide for jobs in the area near existing housing, and shared vehicular and pedestrian access will be provided. The State Road 46 Gateway Corridor overlay includes design standards to provide a scenic gateway with uniform design elements. Signage and landscaping are to comply with the Seminole County Land Development Code (SCLDC) provisions for the Gateway overlay, and the minimum building setback of fifty (50) feet from State Road 46 as required, is provided. The buffer width per this overlay is twenty-five (25) feet and is illustrated on the proposed Master Development Plan. The applicant has also provided a fifteen (15) foot wide landscape buffer to the east in compliance with local road buffer code requirements. The west perimeter buffer requirement will be established at time of Final Development Plan for Phase 2 in

accordance with SCLDC provisions and requirements. This will ensure adequate transition between the adjacent townhome development with future commercial developments to the west and the proposed intensity of phase 2 at time of development. The subject property is located within the City of Sanford Utility Area and is subject to the provisions in the Joint Planning Agreement established between the County and the City of Sanford. The applicant and staff have coordinated with the City of Sanford to organize a pre-annexation agreement, which would also allow for the provision of utilities from the City of Sanford. The development proposes access via State Road 46 which is classified as an Urban Principal Arterial operating at a level of service "B" and a second access off of Harvest Time Drive which is classified as a local road operating at a level of service "A". The proposed project also provides for a minimum of 25% open space. Parking shall be in accordance with the SCLDC. In compliance with Seminole County Land Development Code Sec. 30.49 – Community Meeting Procedures, the Applicant conducted a community meeting on December 9, 2024; details of the community meeting have been provided in the agenda package. Staff finds the request to be consistent with the Seminole County Comprehensive Plan and compatible with the trend of development in the area. Staff requests approval of this request.

Commissioner Carissa Lawhun asked about the Urban Centers and Corridors Overlay district which states that the property cannot be used as an automotive collision center, then it jumped into the discussion regarding the pre-annexation agreement. She asked if the pre-annexation agreement helps to resolve the problem above or is it only for the purpose of the utilities. Ms. Apgar responded that the pre-annexation is being coordinated with the City of Sanford, which will be more detailed at the time of Site Plan review. However, the Urban Centers and Corridors Overlay is a separate topic which precludes the operation of a collision center in conjunction with the Future Land Use, but on its own it doesn't prohibit the use itself. Commissioner Lawhun summarized the discussion with stating that under the current Future Land Use it would be prohibited, but if the change requested tonight is approved, it would then correct that. Ms. Apgar confirmed yes that's correct.

Commissioner Richard Jerman asked if it is a prohibited use in the City of Sanford at this location, and Ms. Apgar responded no it is not, and they have coordinated with Sanford, who are supportive of the use and they want to annex-in after the County's development process is completed.

Neysa Borkert, Deputy County Attorney, stated as a point of clarification, that on page 7 of the Staff report, it is explained more fully. She further stated that the HIP-TI Future Land Use Map designation does allow for collision centers. When the Corridor Overlay goes over it, then those two in conjunction with one another is what precludes it. This Rezoning will help alleviate that conflict.

Staff and Board discussion ensued.

Thomas Dixon, the applicant, was available for questions.

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

Commissioner Lawhun noticed that the Requested Board Action now shows two different parts to the motion and asked what the reason is for that change. Neysa Borkert, Deputy County Attorney, responded that this change is for best practice and also due to recent case law when challenges have occurred with Comprehensive Plan and Rezonings in general.

She further stated that a Comp Plan amendment request is a legislative action, meaning that it doesn't require a quasi-judicial proceeding for it. A Rezoning does require a quasi-judicial proceeding and not a legislative action. When we present these together, we meld them together, and take it as a quasi-judicial action. There are two different standards for each, and on appeal, there are multiple ways to go. It is a best practice to do two motions with the Comp Plan amendment first, because it's a legislative action, and then the Rezoning second, because the Rezoning requires the Comp Plan to be in place. Therefore, the best practice is for the motion-maker to have two separate motions. Ms. Borkert further stated that if this Board were the final decision-maker on this, she would require it, so Staff is requesting the Board of County Commissioners do it this way with two separate motions. However, with the Planning & Zoning Commission, as a recommending body, it would be a best practice to do it this way, but it is not required.

Commissioner Richard Jerman stated that Seminole County is the only jurisdiction he knows of that he knows of where the motion is run together. Ms. Borkert responded yes, that is absolutely right, and further added that every other jurisdiction she's worked in prior to Seminole County is how it's done. Commissioner Jerman stated that in the future we should have Staff separate these motions as described. Ms. Borkert responded that is what they're working on with the Staff reports and having two different and distinct analyses and having two different distinct motions as well. Commissioner Jerman asked if these get transmitted to the State and Ms. Borkert responded that this is a Small Scale Comp Plan amendment, under 50 acres, so it doesn't require State transmission for this project since it is a commercial project.

Ms. Borkert stated that Staff will include a proposed motion language in the slide and in the motion section of the agenda, tailored to this Board, to assist them with these types of motions.

A motion was made by Vice Chairman Tim Smith, seconded by Commissioner Richard Jerman to approve and refer the Comp Plan amendment to the Board of County Commissioners for the Highway 46 Commercial Small Scale Future Land Use Map Amendment and PD Rezone project. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Richard Jerman, and Commissioner Carissa Lawhun

A motion was made by Vice Chairman Tim Smith, seconded by Commissioner Brandy Ioppolo to approve and refer the Highway 46 Commercial PD Rezone to the Board of County Commissioners for the Highway 46 Commercial Small Scale Future Land Use Map Amendment and PD Rezone project. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Richard Jerman, and Commissioner Carissa Lawhun

Encore at Hillview Rezone – Consider a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling) for a townhome development of twenty-eight (28) lots on approximately ¼ mile east of SR 435; (Zach Miller, Applicant); District3-Constantine; (Annie Sillaway, Senior Planner).

Annie Sillaway, Senior Planner, presented this item as stated in the Staff report. She further stated that the applicant is requesting a Rezone from A-1 (Agriculture) to R-3A (Multiple

Family Dwelling) in order to construct a 28 lot townhome development with a minimum lot size of 2,200 square feet, with a maximum density of 10 dwelling units per net buildable acre. The subject property has an existing A-1 (Agriculture) zoning designation and a High Density Residential Future Land Use designation, which allows up to a maximum of 20 dwelling units per net buildable acre. However, the requested R-3A (Multiple Family Dwelling) zoning district limits the density to a maximum of ten (10) dwelling units per net buildable acre. The site is located in the City of Altamonte Springs utility service area and will be required to connect to public utilities. The applicant has provided a letter from the City of Altamonte Springs that potable water and sanitary sewer could be provided to serve the proposed development. The applicant has provided a development plan showing the layout of the building's, circulation, buffers, and parking for the townhome units. The applicant is proposing a twenty-five (25) foot wide landscape buffer along the western portion of the subject site that abuts the Oakland Hills subdivision, a ten (10) foot wide landscape buffer on the south along Hillview Drive, and a twelve and one-half (12.5) foot wide landscape buffer along the eastern portion of the site. The applicant will provide a 25% common usable open space, excluding the landscape buffers on the subject property. Per Sec. 30.4.8 of the Seminole County Land Development Code (SCLDC), R-3 and R-3A (Multiple-Family Dwelling) districts, the requested R-3A zoning classification is composed of low density to medium density residential areas, plus open areas, where it is likely and desirable to extend such type of development. The subject site is situated where it is well serviced by public and commercial services and has convenient access to throughfares or collector roads. Policy FLU 5.2.3 – Purpose and Intent: The purpose and intent of the High Density Residential Future Land Use designation is to provide for a range of residential development at a maximum density of twenty (20) dwelling units per net buildable acre. High density residential development should be located adjacent to major collector and arterial roadways to minimize traffic on local and minor collector roadways and to provide convenient access to transit facilities, and can act as an effective transitional use between non-residential and medium density residential uses. The applicant conducted a community meeting on May 13, 2024. Staff requests approval of the Encore at Hillview Rezone.

Commissioner Carissa Lawhun stated that because the current future land use allows up to 20 dwelling units per acre what we're being asked to do tonight actually lowers the density. Ms. Sillaway responded yes, which reduces it to 10 dwelling units per net buildable acre.

Commissioner Richard Jerman asked if the Site Plan will come back to Staff only review and Ms. Sillaway responded yes, that's correct.

From the audience, Zach Miller, for the applicant, stated from the audience, that they are here to answer any questions.

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

A motion was made by Commissioner Brandy Ioppolo, seconded by Vice Chairman Tim Smith to approve and refer the Encore at Hillview Rezone to the Board of County Commissioners. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Richard Jerman, and Commissioner Carissa Lawhun

CLOSING BUSINESS

Jose Gomez, Development Services Director, stated the following:

- The items brought up tonight relating to legislative versus quasi-judicial actions is something he will be working with the County Attorney's office to change the way some of the Staff reports and motions look to the Board.
- Interviews have begun for the Planning & Development Division Manager and Deputy Director of Development Services positions. Updates will be provided at the next meeting.
- The Terracina Self-Storage project that came before the P&Z Board and recommended for denial, was subsequently withdrawn by the applicant prior to it being heard at the Board of County Commissioners meeting. That project will not be moving forward at this time.

ADJOURNMENT

Having no further business, the meeting adjourned at 6:28 PM.