

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

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

MINUTES

CALL TO ORDER AND ROLL CALL

Present (4): Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, and Commissioner Dan Lopez

Absent (2): Commissioner Brandy Ioppolo and Commissioner Richard Jerman

Arrived Late (1): Commissioner Tim Smith (arrived at 6:05 PM)

ACCEPT PROOF OF PUBLICATION

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

Ayes (4): Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, and Commissioner Dan Lopez

APPROVAL OF MINUTES

A motion was made by Commissioner Dan Lopez, seconded by Commissioner Lourdes Aguirre to approve the February 5, 2025 Minutes, as submitted. **The motion passed unanimously.**

Ayes (4): Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, and Commissioner Dan Lopez

PUBLIC HEARING ITEMS

Winter Springs Dunkin PD Major Amendment Rezone - Consider a Rezone from PD (Planned Development) to PD (Planned Development) for a restaurant with a drive-through facility on approximately 0.51 acres, located on the northeast corner of Red Bug Lake Road and Dodd Road; (Z2024-019) (Brian Forster, Applicant) District 2 - Zembower (Kaitlyn Apgar,

Project Manager).

Kaitlyn Apgar, Senior Planner, presented this item as stated in the Staff report. She further stated that the existing Future Land Use is Planned Development, and the existing zoning is PD. The current PD is the ZOM Development Inc. Red Bug Lake Road Planned Development.

The subject site is approximately 0.51 acres and is located in Commercial Tract 2 in the north parcel of the existing PD. The site was previously developed as a bank with a drive-through facility. The Applicant proposes to redevelop the existing site from a bank to a Dunkin Donuts restaurant with a drive-through. Restaurants are permitted; however, drive-through restaurants, specifically, are not permitted under the existing entitlements. The existing PD is approximately fifty (50) acres in total and consists of a mix of uses including multi-family, office, and C-1 (Retail Commercial) uses. The current request only pertains to the subject property and not the entirety of Commercial Tract 2 of the existing PD. The proposed amendments to the PD, specific to the subject property, are as follows. The Development Order and Developer's Commitment Agreement specify that drive-through restaurants are not permitted. This request proposes the use to be allowed only on the subject property. The hours of operation are currently 7:00 AM to 11:00 pm. However, the applicant is proposing to extend the morning hours to 5:00 AM. The Land Development Code specifies that PDs should adhere to the greater benefit and innovation criteria and remain consistent with the Comprehensive Plan. As a summary, the benefits of this development includes the contribution of development aimed to serve the large residential populations surrounding the area. The proposed development is in close proximity to the multi-family component of the subject PD to the north, multi-family development to the west and single-family developments to the north and east, thus providing higher opportunity for pedestrian accessibility to the site. The proposed development is also providing bicycle parking, which contributes to the multi-modal transportation intent of PD zoning. The site is located within Seminole County's utility service area and is currently connected to water and sewer. Thirty (30) percent open space will be provided on the subject site as required per the most recent approved Developer's Commitment Agreement. The proposed project will be required to provide a fifteen (15) foot wide buffer to the south abutting Red Bug Lake Road. Dodd Road is considered a collector road, which requires a fifteen (15) foot buffer based on the intensity of the project in accordance with the Seminole County Land Development Code. The subject site is part of an existing shopping center and has access onto Dodd Road and Red Bug Lake Road via shared access agreement. The Public Works Engineering Department recommends the developer install a curb at the northeast corner of the subject parcel. The curb shall be installed on the Walmart side drive aisle to create a one-way drive aisle for adequate vehicle queuing to the drive-thru and prevent vehicle conflicts at the main drive aisle. The Applicant has provided authorization from the adjacent parcel owners in order to achieve this during the Site Plan process and has provided shared parking agreements for the use of parking spaces on the adjacent property. In compliance with Seminole County Land Development Code Sec. 30.49 – Community Meeting Procedure, the Applicant conducted a community meeting on December 4, 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.

Nina Sting, for the applicant, stated that she is the real estate manager and Brian Thatcher is here for HZ Coffee Group, the tenant applicant, and available for questions.

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

A motion was made by Commissioner Lawhun, seconded by Commissioner Tim Smith to approve and refer the Winter Springs Dunkin PD Major Amendment Rezone to the Board of County Commissioners, as per the following:

1. Based on Staff's findings and the testimony and evidence received at the hearing, the Board finds the request meets the identified portions of the Seminole County Land Development Code and moves to approve the Rezone from Planned Development to Planned Development, the associated Development Order and Master Development Plan. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Tim Smith

Historic Oviedo Colored Schools Museum Small Scale Future Land Use Map Amendment and PD Rezone - Consider a Small Scale Future Land Use Map Amendment from Medium Density Residential to Planned Development, and a Rezone from R-1 (Single Family Residential) to PD (Planned Development) on approximately 0.12 acres, located at the intersection of W SR 426 and James Drive, Oviedo; (Judith Smith, Applicant) District1 - Dallari (Joy Giles, Principal Planner).

Joy Giles, Principal Planner, presented this item as stated in the Staff report. She further stated that the subject property is approximately 5,000 square feet in size, known as Lot 5 of the Jamestown Subdivision; the lot has an existing 1,100 sq ft building that's considered a historic structure. The requested land use amendment and rezone is for the purpose of restoring the structure to be utilized as a museum to chronicle the history of the colored schools in the Oviedo area from 1913 – 1967. The use of a museum is not permitted under the existing land use and zoning. The historic building was built in 1938 and operated as the St. James African Methodist Episcopal Church and also operated as the Gabriella Colored School. At some point in time the building was no longer occupied, and the structure fell into disrepair. The Applicant Judith Smith formed the foundation "The Historic Jamestown Colored Schools Museum Incorporated" in 2019. The foundation has since received a grant from the State of Florida to assist in the restoration of the building. The subject site is still under the ownership of the St. James Church. The church and the historic foundation have entered a 25 year term lease to operate as the Historic Oviedo Colored Schools Museum. The site has development constraints due to the size of the parcel and the placement of the existing building, constructed prior to Seminole County's subdivision regulations. The structure is positioned approximately one (1) foot from the south lot line along James Drive and the most southeast portion of the parcel. Due to the existing configuration of the building, the site is accessed from James Drive at the east perimeter of the parcel as shown on the Master Development Plan. The site does not have the ability to provide for an onsite parking lot and associated drive aisles; therefore, one (1) parking space meeting ADA requirements will be provided onsite and the remaining six (6) parking spaces will be provided offsite via the parking agreement. The parking agreement provides 6 parking spaces at the St. Lukes Evangelical Lutheran Church, located at 2021 W SR 426, approximately 1.25 miles north of the subject site. Per the executed parking agreement, six (6) spaces will be designated for the Museum's use between the Museum's operating hours of Monday through Saturday from 9:00 a.m. to 3:00 p.m., by appointment only. Patrons visiting the museum must make an appointment for

the tour and must have transportation for drop off and pick up at the museum. The transportation provider will park at the St. Lukes Church until the appointed pick up time. Due to the right-of-way constraints along James Drive, construction of a sidewalk along the right of way is not feasible; therefore, internal direct access to the existing sidewalk along W SR 426 will be provided from the northern portion of the site, as shown on the plan.

In compliance with Seminole County Land Development Code (SCLDC) criteria, the proposed PD and Master Development Plan have been evaluated for compliancy with the Planned Development review criteria listed under Sec. 30.8.5.3, as follows:

1. The proposed development must be consistent with the Comprehensive Plan and effectively implement any performance criteria that the Plan provides.
 - *The proposed Planned Development Future Land Use establishes the maximum intensity of the site and supports the requested PD zoning classification. The conditions of approval in the Development Order include defined hours of operation, a parking mitigation plan, and buffering criteria; therefore, staff has determined the proposed development is consistent with the comprehensive plan.*
2. The PD zoning may be approved only when it's determined that the proposed development cannot be reasonably implemented through existing provisions of the Code, and that the PD would result in greater benefits to the County than development under conventional zoning district regulations.
 - *The subject site has development constraints due to the size of the parcel and building location. Due to the unique nature of the site and the proposed use, redevelopment cannot be reasonably implemented with conventional zoning.*
 - *The proposed use of the museum for the preservation and sharing of history of the colored schools in the Oviedo area will provide an amenity to the community.*

Additional criteria to be evaluated for the PD zoning classification are as follows:

1. The PD must meet or exceed the tree preservation and tree planting requirements of the code.
2. The PD shall minimize transportation impacts through design elements, such as pedestrian infrastructure and shared parking.
3. The PD shall provide a minimum of 25% open space.

Staff has determined that the proposed development meets the criteria of the SCLDC, in that the Development Plan illustrates a ten (10) foot wide landscape buffer along the north, south, and east perimeter, and a fifteen (15) foot wide buffer along the west perimeter adjacent to W SR 426. Currently, the site has no landscaping, so this will be an enhancement. Shared transportation parking will be provided via a parking agreement, and the pedestrian connection from the site to the existing sidewalk along W SR 426 will be provided. A minimum of 25% open space will also be provided. Staff finds the Planned Development Future Land Use designation and PD Zoning classification is consistent with the Comprehensive Plan and therefore Staff recommends approval of this request.

Judith D. Smith, of East Broadway Street, Oviedo, stated that she became involved with this preservation in 2018. She further stated that a hurricane damaged the roof. She decided to

repair the roof, since on one was fixing the damage. From there, she got an idea to preserve the history of the church. She formed a foundation, the Historical Oviedo Colored Schools Museum and they have five Board members. They began with fund-raising to fix the roof before it did any more damage to the building. They applied for a grant with the State of Florida in 2021, which they received for \$228,000. They have also received a grant from the Florida Humanities in order to design the inside of the museum and anything else related to it. They have also been working with the Riches Program at UCF to gather oral histories. A short video was shown. It has taken about two (2) years to get the lease with COVID delaying them. However, they really began this project in 2001 when they had a reunion of the Colored Schools in the Oviedo area. This building is important because it is the original building from 1933, and has an historical marker at the site.

Public comments included the following:

1. Written comments from Monica (illegible last name), of Timberwood Trail, Oviedo, stated that it is important to tell the stories that connect to the building of the past as a colored school and church, but to also acknowledge its potential as a community space. It's a tangible, physical monument to local history and should not only be preserved, but renovated and modernized.
2. Written comments from Richard Reep, of Chelsea Street, Oviedo, stated that he approves of this project as it will increase global tourism to Seminole County resulting in higher tax revenues. The Central Florida Tourism market is already seeing a significant rise in cultural heritage tourism.
3. Oral comments were made by one speaker, Reverend Pooran Itwaru, of Andrew Lane, Oviedo, stated that he is the property owner directly behind the subject property, Lot 2. The subject property is Lot 5. He purchased his property approximately three (3) years ago. He went to the County to see if there was something they could do to prevent people from dumping on the property. He was advised that he could purchase a piece of property that was County owned (a vacate), which he did. There is one driveway that provides access to the subject property and his property. He met with the applicant and Ms. Judith told him they want to have an event center. He doesn't know what the Planned Development change means. His concerns are with heavy traffic onto the subject property by accessing the shared access. He also doesn't know what they're planning to do at the location, and if he knew he would have a better understanding of its use. He wants to know exactly what they plan to do on the property, since they're coming onto his driveway. He would like that clarified and explained, so he can have a better understanding of the use.

Ms. Giles stated that the Planned Development is very specific to the type of use, which is a museum use, with operating hours to be Monday through Saturday from 9:00 AM to 3:00 PM, by appointment only. This is an historic building and grant funding has been received to restore it. There will be no additional buildings added. There will be a deck and sidewalk added on site. Any events held on-site will be limited to the parking requirements and within the 1,100 square foot building capacity.

Ms. Giles showed the proposed landscape buffer, which she stated will provide some

buffering between the sites. She further clarified the access location to the properties and stated that the access is a public right of way (a public road), which is how the subject parcel will be accessed, and that Mr. Itwaru's access to his property remains the same. This is the current access and the only possible access to the museum. There will only be one (1) parking space provided on-site.

Commissioner Tim Smith commented that historical preservation is very important. Commissioner Lourdes Aguirre agreed.

Commissioner Carissa Lawhun had questions about how the type of motion being requested. Discussion ensued about the change with the motion language.

Commissioner Dan Lopez asked the applicant about the lease. Ms. Smith responded that they have a 25 year lease from the African Methodist Episcopal Diocese, who still owns the building.

Jennifer Nix, Assistant County Attorney, asked if the Chairman would ask the applicant for rebuttal to public comment.

Ms. Smith, in her rebuttal, stated that her family came to this property in 1900 and it is a community in Jamestown. Her desire is to save history. She will be very cognizant of the neighbors next door. They do want to preserve this one-of-a-kind building.

Commissioner Smith asked what their timeframe is for the improvements and Ms. Smith responded that once their zoning request is fully approved, they are ready to start immediately.

Ms. Nix commented for the Board to refer to the slide on the screen, for their motion recommendations, as these have changed, for the Comp Plan and Zoning recommendation for approval or denial, instead of the printed copy provided.

Motion 1

A motion was made by Commissioner Carissa Lawhun, seconded by Commissioner Dan Lopez to approve and refer the Historic Oviedo Colored Schools Museum Small Scale Future Land Use Map Amendment and PD Rezone to the Board of County Commissioners, as per the following:

1. Based on Staff's findings and the testimony and evidence received at the hearing, the Board finds the request meets the identified portions of the Comprehensive Plan and moves to approve the requested Small Scale Future Land Use Map Amendment from Medium Density Residential to Planned Development. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Tim Smith

And,

Motion 2

A motion was made by Commissioner Carissa Lawhun, seconded by Commissioner

Lourdes Aguirre to approve and refer the Historic Oviedo Colored Schools Museum Rezone from R-1 (Single Family Dwelling) to PD (Planned Development and associated Development Order and Master Development Plan.

2. Based on Staff's finds and the testimony and evidence received at the hearing, the Board finds the request meets the identified portions of the Seminole County Land Development Code and moves to approve the requested Rezone from R-1 (Single Family Dwelling) to PD (Planned Development), and associated Development Order and Master Development Plan. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Tim Smith

CLOSING BUSINESS

No report.

ADJOURNMENT

Having no further business, the meeting adjourned at 6:43 PM.