

BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

December 13, 2022

The following is a non-verbatim transcript of the **BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA**, held at 9:30 a.m., on Tuesday, December 13, 2022, in Room 1028 of the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

Present:

Chairman Amy Lockhart (District 4)

Vice Chairman Andria Herr (District 5)

Commissioner Bob Dallari (District 1)

Commissioner Jay Zembower (District 2)

Commissioner Lee Constantine (District 3)

Interim County Manager Bryant Applegate

Acting County Attorney Paul Chipok

Deputy Clerks Chariti Guevara and Kyla Farrell

PROOFS OF PUBLICATION

Motion by Commissioner Zembower, seconded by Commissioner Dallari, to authorize the filing of the proofs of publication for this meeting's scheduled public hearings into the Official Record.

Districts 1, 2, 3, 4, and 5 voted AYE.

PUBLIC HEARINGS QUASI-JUDICIAL

All districts submitted ex parte communications (received and filed).

Item #42 – 2022-3777

Paddock Way PD Rezone

DLC Paddock Way, LLC, Applicant

Joy Giles, Planning and Development, presented the request as outlined in the agenda memorandum. Ms. Giles announced a revised Master Development Plan and associated documents were distributed this morning and also uploaded to the online noticed agenda. She advised staff recommends the Board deny adoption of the proposed ordinance.

Chad Moorehead, on behalf of the applicant, addressed the Board to present the project (presentation received and filed). He advised the Planning and Zoning Commission voted to recommend adoption of the ordinance to the Board.

With regard to public participation, Phillip Gaither; Anne Gaither; Cindy Haller; James Lee; MaryBeth Hansnn; Cecil Roberts, Jr.; Bill Hyde; Brannon Rue; and Erin Rue spoke in opposition. No one else spoke, and public input was closed.

Public Comment Forms were received and filed.

Mr. Moorehead addressed the Board to discuss some of the citizens'™ concerns and answered questions from the Board. Discussion ensued regarding traffic. Mr. Chipok stated traffic concerns are typically addressed at the final engineering stage when a traffic study is required as part of the County's™ subdivision regulations, so it is a little premature to address traffic at a rezoning stage. Commissioner Herr asked what they can do now. Mr. Chipok answered in regard to traffic directly, at the PD stage, the PD Master Plan just requires the point of access to be shown into and out of the subdivision as it's™ being supplied. As far as specific road improvements, that is not typically part of the PD rezoning process. The County's™ system is not set up that way. They have subdivision regulations which go into specific details and have the standards. Ms. Hammock noted because the urban area of the county is a traffic concurrency exception area, they are limited to only operational improvements; however, it is her understanding from Public Works that a traffic signal warrant analysis is going to be required for Lake Hayes and Alafaya, so that will be happening with final engineering. If it would make the Board feel more comfortable, there is the option to put a condition in the development order requiring a traffic signal warrant analysis; but that doesn't™t guarantee a traffic light will go there. A lengthy question-and-answer period ensued, and the Commissioners shared their comments. Jean Jreij, Public Works Director, submitted a letter from the Fire Department regarding turn radius (received and filed.)

Chairman Lockhart recessed the meeting at 3:20 p.m., reconvening at 3:25 p.m.

Discussion continued. Mr. Chipok stated in this particular case, traffic does need to be analyzed at final engineering. He suggested a development order condition that a traffic study would be required to see whether or not a traffic light is warranted, and if so, at which intersection, and that the developer would contribute their proportion and fair share to the appropriate traffic light at the appropriate location. State Road 434 is a State road, and it is out of the County's jurisdiction as to if and when a traffic light goes there; it is FDOT's decision. However, the County can require the developer to request the traffic warrant or do the appropriate traffic study working with FDOT and also request them to participate on their fair share of the cost of that traffic signal.

Commissioner Dallari stated there are a couple extra conditions he would like to put on this development order. He advised a berm stabilization analysis needs to be done on the retention ponds, and Mr. Moorehead advised they do not object to that request. Commissioner Dallari stated his other condition is that some of the ten-foot buffer on Paddock Way needs to go to the Alafaya Woods side; only five-feet need to be on Paddock Way, and then 15-feet on the Alafaya Woods side. Also, not going vertical on any of the structures until all of the stormwater is completed. Mr. Moorhead agreed, but clarified the pipes may not be in but the stormwater ponds would be in and stabilized before they pull any building permits. Commissioner Dallari added the request that a traffic light warrant study would be done in that corridor either for Stillwater or Lake Hayes. Mr. Moorehead replied when they do the traffic study, they generally look at the intersections around it; so he doesn't have an issue with that request. Commissioner Dallari stated as a future commitment, the applicant will come back to vacate the right-of-way. Also, the pinch point will be designed and built per NFPA requirements at the property line; Mr. Moorehead requested that condition be noted in the record.

Motion by Commissioner Dallari, seconded by Commissioner Zembower, to adopt Ordinance #2022-42 enacting a Rezone from A-1 (Agriculture) to PD (Planned Development); and approve the associated Master Development Plan and Development Order for 34.73 acres, located on the north side of Lake Hayes Road, approximately ½ mile east of Alafaya Trail *with the additional conditions of a traffic study with the traffic light requirements where they would pay their pro rata share of what's required for that area; a berm stabilization analysis will be done; stormwater pond will be completed and all the major stormwater will be completed before any vertical structure; they will come back at a later date to request a vacate of the right-of-way at the 70-foot lot area; the pinch point area road will be designed per NFPA to handle firetrucks; and the wall will be at the property line; DLC Paddock Way, LLC, applicant; as described in the proof of publication.*

Under discussion, Commissioner Constantine stated he still has a concern regarding the 46-foot right-of-way, and explained why he cannot support the motion.

Districts 1, 2, 4, and 5 voted AYE.

District 3 voted NAY.

Motion passed 4 â€“ 1.

Item #43 â€“ 2022-0039

Fern Park Commercial Drive Thru Special Exception

Harris Civil Engineers LLC, Applicant

Ms. Hammel presented the request as outlined in the agenda memorandum. Ms. Hammel noted there were very recently updated conditions to the development order, and those updates are correctly reflected in the agenda backup.

Discussion ensued regarding the concern of traffic backing up due to the proximity of a Chick-fil-A.

Tim McCormick, on behalf of the applicant, addressed the Board and noted the stacking length is approximately 500 feet from the drive-thru window to Oxford Road roadway, which exceeds the Countyâ€™s LDC. Chick-fil-A fronts on SR 436, so they will have different connections to the roadway; and he doesnâ€™t see it combining any traffic or causing any traffic issues.

With regard to public participation, Geoffrey Longley spoke in opposition; no one else spoke, and public input was closed.

Public Comment Form was received and filed.

Mr. McCormick advised they would generate a traffic impact analysis for the intersection if required under the site plan application, and noted a traffic engineer could meet that request. Discussion ensued regarding the redevelopment of Oxford Road.

Motion by Commissioner Zembower, seconded by Commissioner Herr, to approve the Special Exception and associated Development Order #21-32000007 for a drive-thru in the C-2 zoning classification, located on the south side of State Road 436 at the southwest intersection of State Road 436 and Oxford Road (Fern Park Plaza LLC,

Property Owner); Harris Civil Engineers LLC, applicant; as described in the proof of publication.

Districts 1, 2, 3, 4, and 5 voted AYE.