

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

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

Food Fare Fern Park Special Exception - Consider a Special Exception for an alcoholic beverage establishment in the C-2 zoning district on 0.81 acre, located on the east side of US Highway 17-92, south of South Street; (BS2022-10) (Cory Sitler, Applicant) District4 - Lockhart (Hilary Padin, Project Manager).

Hilary Padin, Planner, presented this item as stated in the Staff Report. She further stated the Applicant requests to operate a permanent alcoholic beverage establishment at a food truck venue, where there will be beer and wine for sale for on-site consumption. There will be a 1,250 square foot permanent bar and restroom structure with sixty-five (65) seats and an additional outdoor thirty-nine (39) seats for a total of 104 seats to serve the six (6) food truck pads. The hours of operation will be 11:00 am to 10:00 pm each day. The Land Development Code states that any establishment selling alcoholic beverages, either for on-premise or off-premise consumption, where the sale of alcohol is not incidental to other products offered for sale, must be granted a Special Exception if it maintains separation from churches, schools and residential properties. The proposed development meets all separation requirements. Although the varying food trucks will provide food for its customers, there is no way to demonstrate that the alcohol sales will be incidental to the variable food truck revenues. With the only permanent structure on the property being the bar, the Special Exception has been deemed necessary.

Staff recommends the Board of County Commissioners approve the Special Exception and associated Development Order for an alcoholic beverage establishment in the C-2 zoning district on 0.81 acres, located on the east side of US Highway 17-92, south of South Street. Commissioner Jerman asked Ms. Padin how Staff created the parking allocation and requirements. Ms. Padin stated that it was developed through the site plan process. Mary Moskowitz, Planning and Development Division Manager, stated that the restaurant parking is based on either square footage or the number of seats. In this project, Staff opted to base parking needs on the number of seats being provided. Commissioner Jerman asked if there was a number of seats allocated for each food truck. Ms. Padin stated that there are outdoor common seating areas as well as indoor seating for the bar area totaling 104 seats.

Cory Sitler of Kimley-Horn for the Applicant was present and agreed with Staff as presented. Mr. Sitler stated the parking layout meets Seminole County Code. He stated that a community meeting was held with the neighboring residents a few weeks ago where the residents voiced their concerns. The concerns were included in the application package. Mr. Sitler stated he felt the community meeting was very successful and felt the concerns of the residents were heard and addressed.

Commissioner Jerman asked how many food trucks would be onsite. Mr. Sitler stated there would be six (6) spaces for food trucks.

Keith Silverman of V 3 Capital Group, LLC for the Applicant, stated the leases would be short term. The shortest lease term would be about three (3) months and the longest term would be about one (1) year. Mr. Silverman stated the intent for this project is for the trucks to have access to water, power and sewer and to provide an elevated food truck product. This gives the food truck operators an opportunity to create a fan base and have a safe place to operate.

Commissioner Lorenz asked if there were any concerns regarding pedestrian traffic. Mr. Silverman stated that it was his understanding that the existing sidewalks would be sufficient for pedestrian traffic.

Discussion ensued between Mr. Sitler and Commissioner Jerman regarding the existing sidewalk layout.

The following individuals spoke in opposition of the project:

Garrick Jackson, Casselberry, spoke regarding how he felt the food truck project would interrupt the serenity of the adjacent residential area.

Jim Milligan, Fern Park, spoke regarding road congestion issues that could be caused by the project. He also spoke about the installation of a privacy fence. He supplied the Clerk with a picture of the subject area for the record.

Discussion ensued between the Board and Mr. Milligan regarding the picture Mr. Milligan submitted and where his residence was located in relation to the subject site.

Andrea Brooks, Fern Park, spoke regarding privacy issues and the installation of a privacy fence. She also spoke regarding pedestrian traffic safety.

Mr. Sitler rebutted by stating that the project does not generate enough traffic to warrant a right turn lane or any modifications to US Highway 17-92. He also stated because of the connections to the parking lot to the south of the subject property he wanted to point out there was a good plan for vehicular circulation within the site. Mr. Sitler stated there was a six (6) foot aluminum fence along the southern boundary and landscape buffer requirements are met which should help with noise issues. He stated this project is consistent with the Comprehensive Plan and offers a unique amenity to the area.

Commissioner Lawhun asked if Mr. Sitler could elaborate on the density and height of the landscape buffer along the southern lot line with regard to visibility, safety and privacy. Mr. Silverman responded it was his belief that the southern landscape buffer was increased in density but would have to check the site plan.

Ms. Moskowitz stated that Seminole County Land Development Code includes performance-based buffers that are a mixture of both the width and opacity of the buffer. The detailed landscaping plans for the subject property are under review.

Board discussion ensued.

A motion was made by Commissioner Jerman, seconded by Commissioner Lorenz to recommend approval of the Special Exception and associate Development Order to the Board of County Commissioners.

Ayes: (4) Chairman Lawhun, Commissioner Jerman, Commissioner Lorenz and Commissioner T. Smith

Nays: (1) Commissioner Lopez

Absent: (2) Commissioner Grundorf and Commissioner S. Smith