

**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**

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 is 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 is 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 the 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