

SEMINOLE COUNTY, FLORIDA

*COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
32771-1468*



Meeting Minutes - Final

Wednesday, January 4, 2023

6:00 PM

**BCC Chambers
Room 1028**

Planning and Zoning Commission

CALL TO ORDER

- Present** Commissioner Richard Jerman, Chairman Carissa Lawhun, Vice Chairman Dan Lopez, Commissioner Mike Lorenz, and Commissioner Tim Smith
- Absent** Commissioner Stephen Smith, and Commissioner Walter Grundorf

Opening Statement

The meeting convened at 6:00 PM with Chairman Carissa Lawhun leading the Pledge of Allegiance. The Chairman then introduced each Board and Staff member present and read the procedure for conducting the meeting and voting.

Staff Present

Rebecca Hammock, Development Services Director; Mary Moskowitz, Planning & Development Manager; Tony Nelson, Deputy County Engineer, Public Works Engineering; Desmond Morrell, Senior Assistant County Attorney; Doug Robinson, Principal Planner; Joy Giles, Senior Planner; Annie Sillaway, Senior Planner, and Stacia Henry, Clerk to the P&Z Board.

Accept Proof of Publication

A motion was made by Richard Jerman, seconded by Dan Lopez, to Approve Proof of Publication.

- Aye:** Commissioner Jerman, Chairman Lawhun, Vice Chairman Lopez, Commissioner Lorenz, and Commissioner Smith
- Absent:** Commissioner Smith, and Commissioner Grundorf

Approval of Minutes

A motion was made by Tim Smith, seconded by Mike Lorenz, to approve the December 7, 2022 P&Z Minutes, as submitted.

- Aye:** Commissioner Jerman, Chairman Lawhun, Vice Chairman Lopez, Commissioner Lorenz, and Commissioner Smith
- Absent:** Commissioner Smith, and Commissioner Grundorf

Public Participation

NEW BUSINESS

Technical Review Items:

1. Myrtle Preliminary Subdivision Plan- Approve the Preliminary Subdivision Plan for Myrtle Subdivision containing twenty-one (21) lots on 14.27 acres zoned A-1 (Agriculture), located on the south side of Myrtle Street, approximately ¼ mile west of S. Sanford Avenue; (Dallas Austin- D.R. Horton, Applicant) District2 - Zembower (Annie Sillaway, Project Manager)

Annie Sillaway, Senior Planner, presented this item as stated in the Staff Report. She further stated that the Applicant is requesting approval for the Myrtle Preliminary Subdivision Plan (PSP). The PSP proposes twenty-one (21) single family residential lots on 14.27 acres zoned A-1 (Agriculture), located on the south side of Myrtle Street,

approximately ¼ mile west of S. Sanford Avenue. Per SCLDC Sec. 30.481-Urban Conservation Village Design, properties located within the overlay with a Suburban Estates Future Land Use designation may be developed as a single-family residential subdivision with a maximum density of two (2) dwelling units per net buildable acre as a cluster development under the specific design criteria of the overlay without the requirement of a Future Land Use Amendment or Rezone. The proposed development will be developed at a maximum of two (2) dwelling units per net buildable acre. All internal roads will be public, and utilities will be provided by Seminole County. The PSP complies with all the conditions of SCLDC Sec. 30.481-Urban Conservation Village Design, the Myrtle Final Development Plan, Developer’s Commitment Agreement, and Chapter 35 of the Seminole County Land Development Code. The Final Development Plan was approved by the Board of County Commissioner on December 13, 2022. Staff recommends approval of the Preliminary Subdivision Plan for Myrtle Subdivision.

The Applicant was present and agreed with staff as presented.

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

A motion was made by Richard Jerman, seconded by Dan Lopez to approve this Technical Review Item. The motion carried by a unanimous vote.

Aye: Commissioner Jerman, Chairman Lawhun, Vice Chairman Lopez, Commissioner Lorenz, and Commissioner Smith

Absent: Commissioner Smith, and Commissioner Grundorf

Public Hearing Items:

2. Towns at Greenleaf Small Scale Future Land Use Map Amendment and Rezone - Consider a Small Scale Future Land Use Map Amendment from Medium Density Residential and Commercial to Medium Density Residential and a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling) for a thirty-three (33) lot townhome subdivision on approximately 6.71 acres, located southwest of Slavia Road and west of State Road 426; (Z2022-25/07.22SS.04) (Henry Chirinos - Beazer Homes, Applicant) District1 - Dallari (Annie Sillaway, Project Manager)

Annie Sillaway, Senior Planner, stated that this item was continued from the December 7, 2022, P&Z Meeting and was presented to the Planning and Zoning Commission as a Public Hearing item. The Towns at Greenleaf Rezone was moved to a motion to be tabled to today’s meeting, January 4, 2023. Ms. Sillaway stated a memo was emailed to the Planning and Zoning Commission on December 28, 2022, to provide the revised Conceptual Plan and a copy of the memo was given to the Planning and Zoning Commission this evening, January 4, 2023. Ms. Sillaway continued by stating that the Applicant is requesting a Small Scale Future Land Use Map Amendment from Medium Density Residential and Commercial to Medium Density Residential and a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling) for a thirty-three (33) lot townhome subdivision on approximately 6.71 acres, located southwest of Slavia Road and west of State Road 426. The proposed townhome subdivision is for a maximum density of 7.87 dwelling units per net buildable acre. Each town home dwelling unit will be a

minimum of 1,200 square feet in size and a lot width of twenty (20) feet. As required by Sec. 30.250 of the Land Development Code of Seminole County (LDCSC), the Applicant has provided a Development Plan showing the layout of buildings, circulation, buffers, and parking for the townhome units. The requested Medium Density Residential Future Land Use designation allows a maximum density of ten (10) dwelling units per net buildable acre and permits the requested R-3A zoning classification. A tree preservation area is called out on the Development Plan located on the west portion of the subject site and the Applicant will be required at the time of Final Engineering to provide a tree survey. Also, along the west portion of the site is approximately 1.51 acres of wetlands on the subject property. The Applicant is not proposing any impacts to the wetland area and is showing a fifteen (15) foot minimum, twenty-five (25) foot overall average wetland buffer. A Conservation easement dedicated to Seminole County will be required over the wetlands and required buffers. Water and sewer capacity are with the Seminole County utility service area and is available to serve the proposed development. The property proposes access onto SR 426, which is classified as an urban minor arterial road. State Road 426 is currently operating at a level-of-service "B or C" depending on direction and time of day and does not have improvements programmed in the FDOT 5-year Work Program. A signal warrant analysis will be required at the time of Final Engineering. The proposed project is located within the Howell Creek Drainage Basin and may have a constrained outfall with limited downstream capacity therefore, the site will have to be designed to hold up to the entire twenty-five (25) year, twenty-four (24) hour storm event. The proposed development is providing the required twenty-five (25) percent open space. The Applicant proposes a fifteen (15) foot wide buffer on the north, south and east, excluding the west portion that will remain undisturbed. In compliance with Seminole County Land Development Code Sec. 30.49 - Community Meeting Procedures, the Applicant conducted a community meeting on September 13, 2022. Per Sec. 30.241 of the Land Development Code of Seminole County (LDCSC), the requested R-3A zoning classification is composed of medium-to high-density residential areas, plus open areas, where it is likely and desirable to extend such type of development. The R-3A zoning classification permits one (1), two (2), and three (3) story apartment buildings, townhomes, and condominiums. The subject zoning classification requires a minimum perimeter building setback of twenty-five (25) feet for one (1) story buildings and thirty-five (35) feet for two (2) story buildings. The Development Plan proposes two (2) story townhomes with a thirty-five (35) foot setback. The Medium Density Residential Future Land Use should be located on, or in proximity to a collector or arterial roads. This land use can serve effectively as a transitional use between more intense urban development and Low Density Residential. The proposed development is consistent with the Medium Density Residential Future Land Use designation. Staff recommends Board of County Commissioners adopt the proposed Ordinance enacting a Small Scale Future Land Use Map Amendment from Medium Density Residential and Commercial to Medium Density Residential and adopt the Ordinance and Development Order enacting a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling) for approximately 6.71 acres, located southwest of Slavia Road and west of SR 426.

Ms. Sillaway stated the following items of concern from the Board on the December 7, 2022, P&Z Meeting along with the Applicant's response:

1. Drainage concerns north of the property as well as the outfall concerns where drainage is flowing.

Applicant Response: The stormwater design shall meet Seminole County and SJRWMD requirements for a closed basin. Per County Staff: There is an existing twenty-foot non-exclusive drainage and irrigation easement partially located over the northern portion of the property that is in favor of St. Luke's Church, that will remain and will not be negatively impacted by the development.

2. Landscape Buffer Tract LB2 to the south should be either increased or a fence installed.

Applicant Response: The developer agrees to increase the landscape buffer along the southern portion of the site by five (5) feet from a fifteen (15) foot to a twenty (20) foot landscape buffer and will reduce the lot depth accordingly. The southern buffer from fifteen (15) to twenty (20) feet created tract LB3 along the eastern portion of the proposed site, will remain as a fifteen (15) foot landscape buffer width. The buffer details will comply with the Seminole County Land Development Code (SCLDC). The northern lots (1-13) of the proposed townhome developments have reduced the lot size by five (5) feet in order to maintain their landscape buffer requirements of fifteen (15) feet, due to the non-exclusive drainage and irrigation easement that is partially located over the northern portion of the property.

3. No southbound deceleration lane is proposed.

Applicant Response: An access analysis was completed for the subject property by Traffic and Mobility Consultants and the report found that a right turn lane is not warranted with the proposed townhome development. Operational improvements, if required, will be determined at Final Engineering, subject to FDOT permitting and approval. Per County Staff: Operational improvements will be determined at Final Engineering and include the traffic analysis. There is an existing deceleration lane for a left turn into the proposed development and an existing four (4) lane roadway (CR 426).

The Applicant, Chris Warshaw, was present and acknowledged there were concerns brought up at the December 7, 2022, P&Z Meeting that were engineer related. He stated he is available for any questions and agreed with staff as presented.

Commissioner Jerman asked Mr. Warshaw where the blow off was going to after the recent (25) year storm event. Mr. Warshaw stated that the predominant drainage pattern on the existing site runs from SR 426 to the west where the water then travels to the wetland system which eventually travels out. He stated that from a bigger picture it appears that there is drainage that travels from the subject property out and eventually makes its way to the north up to Slavia Road. The adjacent property to the west does have a closed contour that is indicative of a closed basin where water would eventually pool up in the current condition. There does appear to be a drainage ditch that should direct water from the subject property to the west and then to the north to Slavia Road. Mr. Warshaw stated that without having full confidence in all the downstream drainage structures, he will assume that the subject property is a closed basin and will contain the drainage.

Lee Barnes, Winter Park, spoke in favor of the project.

Bill Hyde, Oviedo, spoke in opposition of the project due to traffic congestion.

A motion was made by Richard Jerman, seconded by Tim Smith to approve and refer the Towns at Greenleaf Small Scale Future Land Use Map Amendment and Rezone to the Board of County Commissioners. The motion carried by the following vote:

Aye: Commissioner Jerman, Chairman Lawhun, Vice Chairman Lopez, Commissioner Lorenz, and Commissioner Smith

Absent: Commissioner Smith, and Commissioner Grundorf

3. 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 Richard Jerman, seconded by Mike Lorenz, to approve and refer the Food Fare Fern Park Special Exception to the Board of County Commissioners. The motion was approved with the following vote:

Aye: Commissioner Jerman, Chairman Lawhun, Commissioner Lorenz, and Commissioner Smith

Nay: Vice Chairman Lopez

Absent: Commissioner Smith, and Commissioner Grundorf

4. Overland Road Small Scale Future Land Use Map Amendment and Rezone - Consider a Small-Scale Future Land Use Map Amendment from Commercial (COM) to Industrial (IND) and a Rezone from C-2 (Retail Commercial) to C-3 (General Commercial and Wholesale) on two parcels totaling approximately 3.19 acres, located on Overland Road, just west of Orange Blossom Trail (U.S. 441) approximately 270 feet north of the Seminole/Orange County line. (Z2022-28/08.22SS.06) (Bryan Potts - Tannath Design, Applicant) District3 - Constantine (Doug Robinson, Project Manager)

Doug Robinson, Principal Planner, presented this item as stated in the Staff Report. He further stated he Applicant is requesting a Small-Scale Future Land Use Map Amendment from Commercial (COM) to Industrial (IND) and a Rezone from C-2 (Retail Commercial) to C-3 (General Commercial and Wholesale) located on Overland Road, just west of Orange Blossom Trail (U.S. 441) approximately 270 feet north of the Seminole County and Orange County line. The Applicant is proposing to develop the property as a semi-trailer tractor storage lot. The property proposes access onto Overland Road, which is a County maintained road and is classified as a local road. The site is located within the County's utility service area however, the Applicant is proposing no water or sewer connections. If the use changes on the property, the Applicant would be expected to connect to water and sewer services in the future. The future land use is commercial with C-2 zoning. The site would have to meet all Land Development Code Site Plan requirements including landscape buffer and open space requirements which would be determined during the site plan review process. Staff finds that the proposed Small-Scale Future Land Use Map Amendment and Rezone is compatible with the surrounding development, which is primarily commercial and industrial north, south and west of the property. Staff finds it consistent with the Industrial Future Land Use Designation as well and the Comprehensive Plan. A virtual community meeting was held on December 8, 2022, and there were no participants. Staff recommends that the Board of County Commissioners adopt the proposed Ordinance enacting a Small Scale Future Land Use Map Amendment from Commercial to Industrial and a Rezone from C-2 (Retail Commercial) to C-3 (General Commercial

and Wholesale) on two parcels totaling approximately 3.19 acres, located on Overland Road, just west of Orange Blossom Trail and approximately 270 feet north of the Seminole County line.

Commissioner Jerman asked if the Applicant submitted anything as a concept. Mr. Robinson stated no.

Brian Potts, the Applicant, was present and agreed with Staff as presented.

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

A motion was made by Tim Smith, seconded by Richard Jerman, to approve and refer the Overland Road Small Scale Future Land Use Map Amendment and Rezone to the Board of County Commissioners. The motion carried with the following vote:

Aye: Commissioner Jerman, Chairman Lawhun, Vice Chairman Lopez, Commissioner Lorenz, and Commissioner Smith

Absent: Commissioner Smith, and Commissioner Grundorf

CLOSING BUSINESS

Planning and Development Manager's Report

Mary Moskowitz, Planning and Development Division Manager, welcomed the new P&Z Commissioner, Mike Lorenz.

ADJOURNMENT

Having no further business, the meeting adjourned at 6:53 PM.