

BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

JUNE 9, 2015

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, June 9, 2015, in Room 1028 of the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

Present:

Chairman Brenda Carey (District 5)
Vice Chairman John Horan (District 2)
Commissioner Lee Constantine (District 3)
Commissioner Carlton Henley (District 4)
Clerk of Circuit Court & Comptroller Maryanne Morse (late)
County Manager Nicole Guillet
County Attorney Bryant Applegate
Deputy Clerk Jane Spencer

Absent:

Commissioner Robert Dallari (District 1)

BEASLEY PROPERTY SMALL SCALE

LAND USE AMENDMENT AND REZONE

Agenda Item #38 - PH-2015-096

Proof of publication calling for a public hearing to consider a Small Scale Land Use Amendment from Low Density Residential to Planned Development, and the associated Rezone from A-1 (Agriculture) to PD (Planned Development) for approximately 4.63 acres located on the east side of Alafaya Trail, north of Beasley Road; Dustin Lucas, JEL Land Development, Inc.; received and filed.

Matt Davidson, Planning & Development Division, displayed FLU (Future Land Use) and Zoning maps of the property and explained the Applicant would like to potentially develop the 4.63-acre site

as a 120-unit Assisted Living Facility (ALF) or with any of the permitted uses listed in the CN, CS and C-1 commercial zoning districts. He then cited the exclusions listed in the Agenda Memorandum. He stated the maximum building height is 45 feet and the Applicant is proposing a 10-foot-wide landscape buffer along the northern property line with a 20-foot building setback.

Mr. Davidson advised that the Planning and Zoning Commission recommended approval and staff also recommends approval of the request.

Chairman Carey stated there is a 50-foot proposed setback on the south side of the property and questioned why the setback is much larger than is typically required. Mr. Davidson explained that the Applicant is requesting the addition of CN and CS commercial uses and the required setbacks in those zoning districts are 50-foot, front-yard setbacks and the subject property is considered a corner lot. She confirmed then that if the property is a corner lot, the setbacks are 50 feet on both sides.

Shari Gamewell, 177 Burnsed Place, addressed the Board to speak in opposition to the request. She advised she is speaking on behalf of Canterbury Cove and their concern is with the three-story building that is being proposed. She stated there are single-level family households and the three-story building would invade their privacy. In addition, the ten-foot tree buffer will not take care of the second and third stories for privacy issues in their dwellings.

No one else in the audience spoke in support or in opposition and public input was closed.

Speaker Request Form was received and filed.

Chairman Carey questioned whether there were any restrictions in the Development Order that would limit the windows or not allow balconies on that particular side of the building, if in fact they build a three-story building. Tom Sullivan, GrayRobinson Law Firm, addressed the Board to state that at this time, they do not know if it will be an ALF-type of facility or commercial-type neighborhood uses. In the event that it is an ALF, in order to have enough critical mass in terms of the number of units, they would need to have three stories. He stated they attempted in the design to take into account any potential privacy issues with the 10-foot buffer; they are planning a meaningful landscape buffer. They do not have an ALF user in mind yet; they are trying to determine who might be the best fit and then they can bring the privacy issue up to the end user, but at this point, they hadn't contemplated further restricting it. He said he thinks the adjacent buildings are allowed to go up to the same height of 45 feet. Chairman Carey advised the other buildings are allowed to go up to 35 feet.

Upon inquiry by Chairman Carey, Bryan Potts, Tannath Design, advised the 10-foot landscape buffer would be part of the 20-foot setback. He explained they would probably plant across the entire 20 feet, but the County-required buffer is 10 feet. He advised that he spoke with the Applicant and they have no problem committing to a restriction that there would be no balconies on the side facing the residences.

Motion by Commissioner Horan, seconded by Commissioner Henley, to adopt Ordinance #2015-12 enacting a Small Scale Future Land Use Amendment from Low Density Residential to Planned Development; adopt Ordinance #2015-13 enacting a Rezone from A-1

(Agriculture) to PD (Planned Development); and approve the associated Development Order and Master Development Plan with the restriction that balconies are not permitted on the north side of the subject property, for 4.63 acres located on the east side of Alafaya Trail, north of Beasley Road, as described in the proof of publication; Dustin Lucas, JEL Land Development, Inc., Applicant.

Districts 2, 3, 4 and 5 voted AYE.