

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

MINUTES

**WEDNESDAY, MARCH 6, 2019
6:00 P.M.**

Enclave at Alafaya Small Scale Future Land Use Map Amendment and PD Major Amendment – Consider a Small Scale Future Land Use Map Amendment from Planned Development (PD) to Planned Development (PD), and a Rezone from PD (Planned Development) to PD (Planned Development) to allow for the addition of multi-family use on 4.61 acres, located on the northeast corner of Alafaya Trail and Beasley Road; (Z2018-060) (Southern Investment Group, LLLP, Applicant) District1 – Dallari (Matt Davidson, Project Manager).

Matt Davidson, Principal Planner, presented this item as stated in the Staff report. He further stated that the subject property was approved for a Land Use Amendment and Rezone to Planned Development in 2015 allowing for a 120 unit assisted living facility and the permitted uses listed in the CN, CS, and C-1 Commercial Zoning districts, excluding multi-family and other various uses as defined in the original Development Order. The applicant is requesting a Small Scale Future Land Use Map Amendment and PD Major Amendment in order to allow for a 92 unit multi-family apartment complex in addition to the previously approved uses. The previous PD approval permitted a maximum building height of 45', three-stories. The applicant is proposing the balconies facing external property lines will be prohibited for the multi-family use. The applicant is also proposing a percentage of the units to be made available for Workforce Housing. The Workforce Housing portion of the development will be required to meet the affordability requirements of the Federal Private Activity Bond Program for multi-family mortgage revenue bonds. The requirements are stated in the proposed Development Order. The development will not be marketed for student housing and if any students are to reside in an apartment unit, they must meet the eligibility requirements listed in the proposed Development Order. The applicant is requesting a parking waiver to the Development Order to allow 9' x 18' parking spaces instead of 10' x 20' parking spaces that are required by Code, as well as a reduction in the parking ratio from two parking spaces per unit to 1.7 parking spaces per unit. The applicant has provided a study from the Urban Land Institute as part of their waiver request. The applicant held a community meeting on February 26, 2019. Staff has received several letters of opposition, which have been included in the Board's agenda packet. The Development Order in the agenda

packet has been amended showing changes to Conditions M and N, as well as adding the additional Conditions of Approval, listed as Conditions R and S. The updated Development Order was distributed to the Board prior to this meeting. Condition M was revised to state that final connection to Alafaya Trail must be approved by FDOT and may include, subject to Duke Energy review, a dedicated west bound right turn lane to Beasley Road and the extension of the south bound left turn lane on Alafaya Trail from 230' to 415' will be required. Condition N of the revised Development Order states that if Beasley Road provided primary access, it will be required to have a minimum of 20' of asphalt width, curb and gutter, as well as a meandering sidewalk for the entire property frontage. Existing utility poles proposed within the median island at the intersection of Beasley Road and S.R. 434 and within the County right-of-way, shall be removed and relocated. Utility poles located within FDOT right-of-way shall also be removed and relocated from the proposed median island, unless allowed via an FDOT driveway connection permit. Condition R was added as it states that parking along Beasley Road property frontage is not permitted. Condition S was also added and states that the minimum parking shall be 9' x 18' and the parking ratio will be 1.7 spaces per unit. The subject property is located within the Urban Centers and Corridors Overlay encouraging infill development and redevelopment within major transportation corridors. The purpose of the Overlay is to encourage a compact walkable development pattern that provides for a balance of job and housing and locations that can benefit from multiple modes of transportation, such as bus and commuter rail service. The subject property fronts on a major arterial road carrying high volumes of traffic to and from the University of Central Florida, as well as supporting significant amounts of commercial and office development to the north and south. Staff finds the request to be consistent with the Comprehensive Plan and compatible with the trend of development in the area. Staff recommends the Board of County Commissioners approve this request as stated.

Vice Chairman Rob Wolf asked if the addendum provided is in its entirety and Mr. Davidson responded yes, that's correct. Vice Chairman Wolf asked if the 2007 published document from the Urban Land Institute for the parking variance was still relevant. Mr. Davidson responded that they checked the Urban Land Institute (ULI) parking study and it has since been updated in 2014 and it still states that they recommend parking ratios down to 1.65 parking spaces per dwelling unit for multi-family uses. They also recommend parking spaces to be 8.5' x 9' in width as opposed to the 9' that the applicant is proposing.

Commissioner Carissa Lawhun asked if the proposed Development Order was the result of some compromise that included consideration of the public's sentiment as reflected in the emails received or something unrelated. Mr. Davidson responded that the connection permits to Alafaya Trail and the Beasley Road improvements are related to Public Works changes required for safety. The additional parking along the Beasley Road frontage not being permitted was something that Staff added based on feedback received from the community. The minimum parking space size was not previously included, but because it is in the Staff report as a request, it needs to also be in the Development Order.

Commissioner Lawhun asked about the previous approval for the assisted living facility and whether it was just for an assisted living facility and what is the relevance with

comparing a grocery store as the worst possible traffic scenario as opposed to what was really intended. Mr. Davidson responded that the relevance is the Development Order from 2015, which permitted CN, CS, and C-1 Retail uses. Shopping Centers are a permitted use within those Zoning districts. The traffic comparison is based on something that could be built there as opposed to what is being proposed. Commissioner Lawhun further asked, but not what was actually there and Mr. Davidson responded that is correct.

Commissioner Stephen Smith asked if Staff is requiring the applicant to meet the parking requirements of 10' x 20' and the two spaces per unit, then how many units would they be allowed to build at that ratio. Chairman Richard Jerman responded that they're losing 27 spaces. Mr. Davidson responded yes and the applicant could reduce size and unit count as well.

Commissioner Matt Brown asked how long is the 2015 Land Amendment and Rezone valid and Mr. Davidson responded that per our Land Development Code, the Master Development Plan is valid for eight years and if no significant development has occurred within that time, the item has to come back to the P&Z Board and the Board of County Commissioners.

Chairman Jerman asked if Staff agreed with the parking adjustment and Mr. Davidson responded yes, they agree with the waiver request and the study that has been provided.

Vice Chairman Wolf asked from Staff's perspective and the ULI study if it's recommended to have the reduction in space size and number of spaces and Mr. Davidson responded it is both. Mr. Davidson further stated that our Land Development Code parking requirements were last updated in 2000.

Commissioner Smith asked if any visitor parking is provided and Mr. Davidson responded that the applicant can respond to that question.

Becky Wilson, for the applicant, stated that she is here on behalf of the applicant, Atlantic Housing. She further stated the following:

- * They agree with Staff's recommendation for approval and they have their team in the audience should there be any questions after the presentation.
- * This property was entitled for an assisted living facility and for commercial uses that is predominantly surrounded with other residential.
- * The existing entitlements in the Future Land Use Development Order PD allowed 120 units in the assisted living facility or neighborhood commercial, convenience commercial and retail commercial.
- * It allowed a .65 Floor Area Ratio (F.A.R.), which gets it up to 131,000 square feet of commercial on this property.
- * Uses include grocery stores, drug stores, and offices.
- * The height limit was for three stories.
- * The average daily trips were taken from approximately 70,000 square foot grocery store, and only half of the F.A.R. allowed on the site, but they felt it was a fair representation of

the type of development that could be here under those existing entitlements given in 2015.

- * The proposed entitlements are to add 92 multi-family units as an alternative use.
- * They are requesting 92 multi-family units be added.
- * The height stays the same.
- * They are offering to increase the open space to 35% from 25%.
- * They are agreeing to increase the east setback from 20' to 30'.
- * The building setback on the south, adjacent to Beasley, will be kept at 50'.
- * The setback to the west will also be kept at 50' and 20' to the north.
- * There are three homes on Beasley whose side yards are directly across from them, one diagonally across from them, and the daycare center is on the corner.
- * To protect their views on Beasley, they are agreeing to increase the landscape buffer by 10', as well as undisturbed for at least the first 25'.
- * Their traffic engineer shows if the property is developed at a medium intensity, there is a significant reduction in traffic in the area.
- * They held a community meeting on February 26, 2019.
- * They have agreed to prohibit student housing.
- * They have agreed to a 6' fence around the property.
- * They prefer access to only be onto Alafaya Trail.
- * They are working with FDOT to gain access onto Alafaya Trail.
- * FDOT has concerns about spacing between Beasley and the road to the north of the property.
- * If FDOT denies access onto Alafaya, they've agreed to restrict movements on Beasley Road with a left-in, right-out only through their curbs and medians.
- * There will be no balconies and sight lines were shown.
- * At this stage, no Site Plan is being approved, but they wanted to demonstrate how they were laying out the buildings, which were shown.
- * They've agreed to restrict a percentage of the units to Workforce Housing.
- * The ULI study was done for all types of multi-family.
- * The County has approved the size and the decrease for other apartment complexes.
- * Public facilities are available.
- * They are in the Transportation Concurrency Exception Area.
- * They feel their proposal is a decrease in what could be built on this property.
- * The project is supported by the Comprehensive Plan and it is an infill project, with no wetlands or flood plain issues.
- * They believe this project is more compatible in this area to have an additional residential use as opposed to having a commercial use with so much residential nearby.
- * Seminole County Public Schools' letter states that there is available capacity for this request.
- * They agree with Staff's recommendation.

Commissioner Smith asked why Workforce Housing as opposed to just a normal apartment and Ms. Wilson responded that her client is a developer of Affordable and Workforce Housing and this is what they would like to build. Commissioner Smith asked if there is a reason and Ms. Wilson responded that there's a need for Workforce and

Affordable Housing in Seminole County and it's stated in the Comprehensive Plan that the County will support it.

Vice Chairman Wolf stated that since this is on State Road 434, the County has to defer to the State's requirements.

Chairman Jerman stated that a lot of emails were submitted and they will be part of the record. There are quite a bit of speakers who are in opposition to this request. Several public comment cards were received who did not want to speak. The following speakers were in opposition to the request.

- * Patricia Betts, of Oviedo, has concerns regarding traffic and an increase in student population.

- * Jeremy Garren, of Oviedo, has concerns regarding the multi-family complex and he can see it from his back yard. He has concerns the impact of increased traffic and the effect it will have on access to his street, as well as the safety of his children.

- * Yanina Genao, of Oviedo, has concerns about the number of people multi-family housing brings and she calculated an increase of up to 500 people in the apartments. She also has concerns about the increase in students to teachers, overall classroom population increase, and a reduction in quality of the schools, no longer having Grade A schools, a decrease in residential values, and a less safe community. She feels the overall quality of life will go down. She asked the Board to ask the applicant how much money the applicant will make as the children are the ones who will be jeopardized.

- * Randolph Bean, of Oviedo, has concerns about increased crime, increased traffic, and the amount of time it takes to turn in/out of his community. The water quality has diminished because there are retention ponds everywhere. He stated that this property is low rent housing and there will be a bunch of thugs and low rent people in their neighborhood. He's seen drug users and dealers in his area. Crime has increased already. This proposal with 90 plus families with all of their screaming kids and drug abuse will happen there.

- * Randolph Rader, of Oviedo, has concerns about parking, the traffic pattern and back-up of cars, fire emergencies and safety of residents evacuating with the fence around the property. Also, an increase in crime and setting a precedent in the area with additional multi-family housing. They are requesting that the zoning stay the same as it was and they're not against development, just against multi-family development.

- * Cecil Roberts, of Oviedo, has concerns about the increase in people and crime, which reduces their quality of life. He feels that multi-family housing compromises the quality of life for the families currently there and it is not compatible with their community.

- * Debbie Roberts, of Oviedo, is opposed to this property as there are single family homes around the proposed multi-family and it is not compatible especially on such a small property. She also has concerns about traffic.

- * Liz Aulin, of Oviedo, has concerns about the impact of a three story apartment complex in their neighborhood, which is alarming for all of them and it is not conducive to their neighborhood and the surrounding neighborhoods. There are no sidewalks and the increased traffic is a great concern for the safety of their children. Traffic is currently a safety concern for them.

* Michael Bianco, of Oviedo, has concerns about the loss of quiet enjoyment in their homes if this property is developed as presented. This development changes the character of their neighborhood, which will no longer be peaceful, and it's not because it's multi-family or low-income, it is because a three story apartment complex will be in the middle of one story single family homes. He's opposed to the wrong type of development, which this development is. Safety is a great concern with increased traffic. He's requesting the Board consider putting the zoning back to the pre-2015 zoning where it was Agricultural and Low Density Residential at that time.

* Ben Bianco, of Oviedo, has concerns about traffic and speeding cars as he and his brother walk on a road without sidewalks to and from their bus stops. Their schools are packed and they don't have enough seats for all students or enough computers for all students.

* Shari Gamewell, of Oviedo, wants undisturbed landscaping on the north and east side. She doesn't want a garbage dumpster near her. She is not an officer of the Canterbury Cove HOA, however they oppose this development.

* Guang Zheng Zou, of Oviedo, has concerns regarding privacy and the heavy equipment cutting through to do the construction and destroying their streets. There will be an increase of flooding, which will damage his house foundation and septic tank.

* Frederick Combs, of Oviedo, has concerns about the dynamic of the community. It's a single family home community, not a multi-family home community and this project doesn't fit in this area. Apartments bring increased traffic and noise. It is currently a safe and trusting community.

Becky Wilson, in her rebuttal, stated that this is the type of challenge with infill property. These neighbors want to make sure their lifestyle is protected. They feel they've gone to great lengths to do that with the proposed setbacks. The property is currently approved for three stories and nothing new with this project. The most concerns she heard were with transportation and traffic, but all of us suffer from this. This property is located in the County's adopted Transportation Concurrency Exception Area. There is a reduction in traffic going from the approved commercial zoning to 92 multi-family units. Two transportation improvements that the County is requiring the applicant build are a sidewalk on Beasley and a sidewalk from the property out to the LYNX transit stop to Alafaya Trail. She stated that public transportation will ultimately help with some of the traffic concerns. Seminole County Public Schools made the capacity determination and it is not this Board's call.

Commissioner Carissa Lawhun asked about the 2015 assisted living facility approval and was their discussion at that time to include multi-family within the approved uses or was it not addressed. Mr. Davidson responded that it was listed as an excluded use specifically, and something the developer at the time had offered.

Vice Chairman Wolf asked about the compatibility analysis and whether it is a departure from what it's currently zoned for use and Mr. Davidson responded that they look at several factors including what it's currently approved for and what the land use allows for with building square footage and F.A.R.

Rebecca Hammock, Development Services Director, responded that in this case we evaluated and compared this project with the current entitlements for the property. Vice Chairman Wolf stated from the current entitlements then, this is a small departure. He further asked what the outcome would be if it was looked at from just a vacant lot and Ms. Hammock responded that they would have to evaluate it, but it may be similar because they did support a land use change previously to an assisted living facility and commercial uses. The multi-family tends to be more of a transitional use from single family and commercial is usually more intense. In this case, they had already recommended and the Board already adopted a land use change to allow commercial uses adjacent to single family.

Commissioner Matt Brown stated that this development is typically where a multi-family development would be, which is on arterial roads, our state roads, as it alleviates traffic going through neighborhoods. Mr. Davidson stated that it is located in the County's Urban Centers and Corridors Overlay, which encourages infill development on major transportation corridors.

Board discussion ensued.

Vice Chairman Wolf asked the Senior County Attorney, Mr. Paul Chipok, if he could make a motion with a contingency for access onto Alafaya Trail, considering they don't have control over Alafaya Trail's access. Mr. Chipok responded that the draft motion that was distributed earlier has that contingency in it, with Condition M, access off of Alafaya, providing approval is given from FDOT. Also, in Condition N, in general states if it is not available, then access is off of Beasley and limited to the conditions contained in that condition. Mr. Chipok further stated you can't deny access to the property from a legal standpoint, so there has to be some type of access, which they don't control the access along Alafaya Trail as it is an FDOT decision.

Further Board discussion ensued regarding the number of parking spaces and parking space size.

Mr. Chipok commented that if the concern is access off of Beasley, the Board could ask the developer if they would agree to limit access only off of Alafaya.

Commissioner Bob Turnage asked about what the Workforce Housing units would rent for and Chairman Jerman responded that it's based on a percentage of median income.

Commissioner Turnage stated that he would guess this is needed. He further stated that he is a Guardian ad Litum in Seminole County and he's aware that there's a huge need for Affordable Housing in Seminole County. Mr. Chipok responded that the applicant is the Affordable Housing supplier.

Scott Kulp, the applicant, stated that he is a Principal with Atlantic Housing, the developer, and he lives in Chuluota. They are developers of Workforce Housing throughout Florida and they have developed about 140 apartment communities in Florida and about 22,000

units. Half of those are here in the Orlando metropolitan area. Currently in the Orlando area there are about 30,000 unmet households with regard to the need for Workforce Housing. That is the remaining demand for cost burden renter households. Looking just at Seminole County, they're just at under 10,000 in the unmet Workforce Housing need in the County and they know there is a strong demand. Their portfolio is 99% occupied and only not occupied when they're turning it over. The rental pricing on the restriction listed in the Development Order has to do with the Multi-Family Mortgage Revenue Bond program. Under that program, HUD establishes the rent levels for the area. In this area, the median income, established by HUD, and which will change in April, is \$62,900. The range of incomes for the residents will be from \$26,000 to about \$60,000 per year. The range of rents would be approximately, in today's dollars, \$672 up to \$1,330 per month.

Chairman Jerman asked if the project were to only access via Alafaya Trail, would they have a project or not. Mr. Kulp responded that their first preference is for access off of Alafaya Trail and not Beasley. If the recommendation for approval of this Board is conditioned only upon that access, they would proceed based upon that recommendation.

Board discussion ensued regarding parking spaces.

A motion was made by Commissioner Matt Brown, seconded by Commissioner Bob Turnage to approve and refer the Enclave at Alafaya Small Scale Future Land Use Map Amendment and PD Major Amendment to the Board of County Commissioners, using the revised Development Order to include the following changes; 1) to limit access to the property from S.R. 434/Alafaya Trail only, 2) removing paragraph "N", and changing paragraph "S" to include two parking spaces per unit to be 9' x 18' with a minimum parking ratio to be 2.0 parking spaces per unit.

Ayes 7: Chairman Richard Jerman, Vice Chairman Rob Wolf, Commissioner Matt Brown, Commissioner Kim Fogle, Commissioner Carissa Lawhun, Commissioner Stephen Smith, and Commissioner Bob Turnage

(end)