

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, PLANNING AND ZONING**
2 **BOARD MEETING HELD MARCH 23, 2010, 6:00 P.M., CITY HALL, 100 N.**
3 **COUNTRY CLUB ROAD**

4
5 **TAPE 1, SIDE A**

6 I. Call to Order

7 The meeting was called to order at 6:02 p.m.

8 II. Moment of Silence

9 III. Pledge of Allegiance

10 IV. Roll Call - Determination of a Quorum

11 The following members were present:

12 Dr. Robert Hawkins, Chairman
13 Vice Chairman Colleen Taylor
14 Member J.B. Cartmill, II

15
16 Member Sidney Miller, Member Mike Napier and Alternate Joe Schofield were
17 absent.

18
19 City staff present were Juan (John) A. Omana, Jr., Community Development
20 Director; Gary Schindler, City Planner; and Diana T. Adams, Administrative
21 Secretary.

22
23 Also present who did not speak was Robert Novell.

24
25 V. Approval of Planning and Zoning Board Minutes - December 22, 2009

26
27 **MOTION:**

28
29 **Member Cartmill moved to approve the Minutes of the Planning and Zoning**
30 **Board meeting of December 22, 2009, as presented. Vice Chairman Taylor**
31 **seconded the motion. Member Miller, Member Napier and Alternate**
32 **Schofield were absent. The motion carried unanimously 3-0.**

33
34 VI. Old Business

35
36 None

1 VII. New Business

- 2
3 A. 2010-ZTA-01: Recommendation to the Mayor and City Commission for a
4 Zoning Text Amendment regarding revising Figure 1 (Downtown Boundary) and
5 Figure 2 (Downtown Master Plan) of § 154.67, City Code of Ordinances;
6 Applicant: City of Lake Mary/Community Development Department
7

8 Gary Schindler, City Planner, presented Item A. and the related Staff Report.
9 Figure 1 (Downtown Centre Zoning District map) attached to the Staff Report
10 was on the overhead projector. He said, let me put this item into perspective.
11 § 154.67 deals with the Downtown Centre Zoning District, and included in that
12 zoning district are two figures: Figure 1 that outlines the area that we would
13 ultimately designate as the Downtown, that area in which we would anticipate
14 having Downtown Development District land use and Downtown Centre zoning.
15 Figure 2 shows the Downtown Master Plan.
16

17 Mr. Schindler stated, regarding Figure 1, the area that is shown in white all has
18 Downtown Development District land use. We are proposing to expand the
19 Downtown in two areas: One is the property on the south side of the Events
20 Center. It is on the south side of Grand Bend Avenue. If you will remember,
21 those were a row of duplexes and triplexes. They were not in particularly good
22 shape, and as the City was constructing the Events Center, the City purchased
23 all of those properties. So, it's now City-owned. The City has no immediate
24 plans for development of that, and the only plans that have been developed for
25 the use of that property is in conjunction with the stair-step parks for a
26 combination master storm water system for the Downtown, a pedestrian bicycle
27 corridor and recreation. That is the only plans the City has for it, so it could be
28 done under its current land use and zoning, but we feel that it should be a part of
29 the Downtown because it will become a part of the master plan for the storm
30 water system and the parks and, therefore, it needs to be included in the
31 Downtown.
32

33 Mr. Schindler said, the second area that will be included in Figure 1 is south and
34 east of the CSX Railroad (indicating), north of Lake Mary Boulevard (indicating)
35 and west of Sanford here (indicating). This is the area in which the rail station is
36 proposed (indicating). This is a privately-owned parcel here that has Downtown
37 Development District land use and Downtown Centre zoning. Now, that doesn't
38 mean that immediately things are going to change in this area. The City owns
39 three small pieces of property. We own this little piece here (indicating), which is
40 going to be utilized as a part of the cemetery. We own a tiny little piece here
41 (indicating) and here (indicating). Together, the two of them are just about a
42 quarter of an acre, and because of their size and shape, they really have no real
43 use in and of themselves.

1 Mr. Schindler stated, the City believes that when the rail station is completed in
2 2012, it is going to act as a catalyst for the redevelopment of this area. Being
3 proactive, we have held a public information meeting for all property owners in
4 this area, and we have told them that we would waive the \$500.00 application fee
5 for a land use amendment if they would allow the City to act on their behalf and
6 change the land use of their property mostly from Low Medium Density
7 Residential to Downtown Development District. We have two pieces of property
8 up on the north side of Greenleaf Lane that are Public/Semi-Public. To date, we
9 have received 12 response forms allowing us to move forward and 1 saying "no".

10
11 Mr. Schindler said, Figure 2 (puts up Figure 2/Downtown Master Plan map on the
12 overhead) is the Downtown Master Plan. Now, this is a snapshot in time, and as
13 time progresses, different snapshots show different things. This can be changed
14 by Resolution, but the figure that's included in § 154.67 is adopted by ordinance.
15 We already have an adopted Downtown Master Plan. What we have done is to
16 make some revisions to this plan to simplify and clarify the proposed uses. If you
17 will remember, the Downtown Centre Zoning District allows for a broad array of
18 residential, up to 18 dwelling units per acre, office, service, commercial land
19 uses, and the Downtown Master Plan shows, as of this date, how we believe
20 they should be located. It's kind of the highest and best use for the areas within
21 the overall downtown. Whereas we used to have a couple of residential
22 categories, we propose consolidating these into one residential category. The
23 City-owned property here (indicating) was shown as parking previously. We
24 have added that as part of the cemetery. We have adopted a new category,
25 Commuter Rail, which is the area that is included for the station, the parking and
26 ancillary areas.

27
28 Mr. Schindler concluded his presentation by saying, this is an overview of what
29 we are proposing. We will be coming back to you at a later point with other
30 revisions to § 154.67, but at this point, we wanted to go forward with just Figure 1
31 and Figure 2.

32
33 Chairman Hawkins opened the hearing to public comment. Hearing none, he
34 closed that portion and entertained board discussion and/or a motion.

35
36 Chairman Hawkins commented, I think this is a great idea. I don't have any
37 trouble with it at all.

38
39 Member Cartmill commented, I have no objection either.

40
41 **MOTION:**

42
MARCH 23, 2010-3
PLANNING AND ZONING BOARD

1 **Member Cartmill moved to recommend approval to the Mayor and City**
2 **Commission the request by City of Lake Mary/Community Development**
3 **Department for a Zoning Text Amendment regarding revising Figure 1**
4 **(Downtown Boundary) and Figure 2 (Downtown Master Plan) of § 154.67, City**
5 **Code of Ordinances, consistent with staff's Findings of Fact listed in the Staff**
6 **Report. Vice Chairman Taylor seconded the motion. Member Miller, Member**
7 **Napier and Alternate Schofield were absent. The motion carried**
8 **unanimously 3-0.**
9

10 Mr. Omana announced that this item will move forward to the City Commission
11 meeting of April 1, 2010.
12

13 B. 2010-SP-02: Request approval of a Minor Site Plan related to plantings around
14 an existing electrical transformer on the NW corner of Grayling and Timacuan
15 Boulevard, Lake Mary, Florida; Applicant: EPOCH Properties, Inc./Robert
16 Novell
17

18 Gary Schindler, City Planner, presented Item B. and the related Staff Report.
19 The colored aerial that is attached to the Staff Report was on the overhead
20 projector. He stated, there was a wall there and the wall was in disrepair. As the
21 Applicant tried to replace the wall, a number of problems were discovered; one is
22 that there was no footer to the wall, and secondly, the wall was constructed over
23 a City-owned force main. Now, it would have been easy to have just said replace
24 the wall with plantings; however, in 1998, there was a site plan done for Bentley
25 Park Apartments and it shows the wall and it said that it was existing. We were
26 never able to find the exact document or the site plan that approved the original
27 wall, but we have an approved site plan that shows the wall as part of an overall
28 site plan for Bentley Park Apartments. In light of that, we need to revise the site
29 plan, and that's what we're doing here tonight. What is proposed is a row of
30 viburnum hedges (puts document entitled Site Wall Replacement Planting that is
31 attached to the Staff Report on the overhead). The reason that we want the
32 hedges rather than a wall is, one, if there is ever any – well, first of all, it is going
33 to be easier to plant the hedges than to construct the wall, and secondly, if the
34 City ever has a problem with the force main and they have to go in and make
35 repairs, then it is going to be a lot cheaper to replace the viburnum hedge than it
36 is to replace the wall. So, it's a win-win situation for everyone.
37

38 Mr. Schindler concluded his presentation by saying, that being said, staff finds
39 that the proposed Minor Site Plan for a viburnum shrub screen around the
40 existing electrical transformer on the NW corner of Grayling and Timacuan
41 Boulevard is an acceptable replacement for the previous wall with the condition
42 that the shrubs be a minimum of 4' tall and shall be planted with a maximum
43 spacing of 30" on center.

1 Member Cartmill asked, concerning traffic coming around the corner, will they be
2 able to see doing that left-hand turn?
3

4 Mr. Schindler answered, yes. This will be no more obstructive than the wall, and
5 it is set far enough back that when you stop up to the stop sign -- the traffic is
6 coming from your left. Most -- the closest traffic -- the traffic coming from -- the
7 eastbound traffic that will be making a left turn is generally not going to be a
8 problem. It will be your westbound traffic and that would be coming from the left.
9

10 It is noted that a Quasi-Judicial Sign-In Sheet (see attached) was located at the
11 back of the chambers for any interested party to sign in order to be kept abreast
12 of this matter.
13

14 Chairman Hawkins opened the hearing to public comment. Hearing none, he
15 closed that portion and entertained board discussion and/or a motion.
16

17 **MOTION:**
18

19 **Member Cartmill moved to approve the request by EPOCH Properties,**
20 **Inc./Robert Novell of a Minor Site Plan related to plantings around an existing**
21 **electrical transformer on the NW corner of Grayling and Timacuan Boulevard,**
22 **Lake Mary, Florida, consistent with staff's Findings listed in the Staff Report;**
23 **that the Minor Site Plan for a viburnum shrub screen around the existing**
24 **electrical transformer on the NW corner of Grayling and Timacuan**
25 **Boulevard is an acceptable replacement for the previous wall with the**
26 **condition that the shrubs be a minimum of 4' tall and shall be planted with**
27 **a maximum spacing of 30" on center. Vice Chairman Taylor seconded the**
28 **motion. Member Miller, Member Napier and Alternate Schofield were**
29 **absent. The motion carried unanimously 3-0.**
30

31 C. 2010-RZ-03: Recommendation to the Mayor and City Commission for a change
32 in zoning from R-3 (Multiple Family Residential) to GU (Government Use), City
33 property located south side of Grand Bend Avenue west of Country Club Road,
34 adjacent to the City of Lake Mary Events Center, Lake Mary, Florida; Applicant:
35 City of Lake Mary/Community Development Department
36

37 Gary Schindler, City Planner, presented Item C. and the related Staff Report. He
38 said, earlier I was speaking about the fact that we are expanding the area of the
39 Downtown, Figure 1. We are also in the process of changing the land use for
40 this area. On March 17, 2010, we had an LPA meeting in which the land use
41 was proposed to be changed on the subject properties from Low Density
42 Residential to Downtown Development District. It was recommended for
43 approval. Now we're changing the zoning. Instead of the R-3 (Multiple Family

1 Residential), we want to give it a GU Zoning District, which is Government Use.
2 It is really more of a housekeeping matter because it is City-owned property, and
3 there is a catchall, kind of a grab-bag category under conditional use that is
4 called Public Facilities. We could do as a conditional use the storm water
5 retention, the parks. But, rather than that, it makes sense for this to be
6 Government Use zoning because it is government-owned and it will be used for
7 government uses.
8

9 Mr. Schindler proceeded to discuss the four rezoning criteria listed on page 2 of
10 the Staff Report.
11

12 Mr. Schindler concluded his presentation by saying that the four rezoning criteria
13 are determined to provide support for the request to rezone the subject
14 properties from R-3 (Multiple Family Residential) to GU (Government Use) by
15 establishing consistency and compatibility.
16

17 Chairman Hawkins questioned, Grand Bend Avenue isn't paved – or is it dirt,
18 or.....
19

20 Mr. Schindler responded, it is – the answer is yes, it's both. It's not paved very
21 well except that portion that is accessing the parking area for – or that area
22 adjacent to the Events Center, and it only goes so far and then it stops. But, it is
23 a platted roadway.
24

25 Chairman Hawkins asked, maybe you know the answer to this. It just seems
26 strange that the properties to the south of this aren't included in the Downtown
27 Center.
28

29 Mr. Schindler replied, yes. You're right. It is strange. That was a political
30 decision based upon several people who live/lived in that area objecting to being
31 included in the Downtown.
32

33 Vice Chairman Taylor questioned, is there any talk or projection of when this land
34 would be developed?
35

36 Mr. Schindler answered, well, that's all a matter of funding and resources. The
37 overall plan to develop the park with a master storm water system, the bicycle/
38 pedestrian corridor and the recreational uses is about \$4,000,000. So, it's not
39 going to be next month.
40

41 Juan (John) A. Omana, Jr., Community Development Director, commented, but
42 you've got to start somewhere.
43

1 Mr. Schindler added, we have determined that if we are able to develop the
2 master storm water system, that we can accommodate development of about 30
3 acres of downtown. So, that would be a major incentive for downtown
4 development because now storm water must be accommodated basically onsite.
5

6 Chairman Hawkins opened the hearing to public comment. Hearing none, he
7 closed that portion and entertained board discussion and/or a motion.
8

9 Mr. Omana announced that this hearing is quasi-judicial in nature; that a Quasi-
10 Judicial Sign-In Sheet (see attached) was located at the back of the chambers for
11 any interested party to sign in order to be kept abreast of this matter.
12

13 Chairman Hawkins commented, makes sense to me. Housekeeping.
14

15 **MOTION:**

16
17 **Member Cartmill moved to recommend approval to the Mayor and City**
18 **Commission the request by City of Lake Mary/Community Development**
19 **Department for a change in zoning from R-3 (Multiple Family Residential) to**
20 **GU (Government Use), City property located south side of Grand Bend**
21 **Avenue west of Country Club Road, adjacent to the City of Lake Mary Events**
22 **Center, Lake Mary, Florida, consistent with staff's Findings of Fact listed in**
23 **the Staff Report. Vice Chairman Taylor seconded the motion. Member Miller,**
24 **Member Napier and Alternate Schofield were absent. The motion carried**
25 **unanimously 3-0.**
26

27 Mr. Omana announced this item will move forward to the City Commission meeting
28 of April 15, 2010.
29

30 VIII. Community Development Director's Report

31 Juan (John) A. Omana, Jr., Community Development Director, stated, pretty much
32 what Gary commented on as a part of his presentation is what we have really been
33 scrambling to do these first couple of months of this year. The initiative to pursue
34 the DDD land use designation, as he pointed out, those properties to the east of the
35 railroad track, was spurred in part by our concern with respect to Amendment 4, or
36 Prop. 4 as most people know it as, potentially getting passed. And, as you may be
37 aware, if it does get passed, any land use change that would be pursued after-the-
38 fact would have to go to the voters. It would not come to you or to any of the
39 bodies, per se, as a recommending body to the City Commission. So, we feel that
40 if we were to pursue this now before such an amendment does pass, we would be
41 in a position to set the regulatory table for the good things that are coming down the
42 pike given what is going on with the commuter rail station, i.e., Transit Oriented

1 Development where you have the mixed uses; the live, work and play concept like
2 a city within a city. I experienced that down in the West Palm Beach area many
3 moons ago with the Tri-Rail system going in place, and looking at other case
4 studies that we have looked at in-house, it just sets a domino effect for economic
5 redevelopment and just a win-win situation. So, we have had numerous
6 discussions with the City Manager and received direction from the City Commission
7 that it is time to set the regulatory table so if and when we get out of this economy
8 we're in and everything lines up correctly, a developer or another entity comes in,
9 they will be able to take advantage of the regulations we have set and put in place
10 and let development move forward accordingly. So, in that respect we're pretty
11 excited about it, granted we have to jump through a lot of legal hoops and –
12 procedural hoops and so forth, but we are committed to doing that. So, in a
13 nutshell, that's kind of what we have been doing.

14 Chairman Hawkins commented, that's good so far.

15 Mr. Omana said, thank you. We're excited about it.

16 Chairman Hawkins commented, hopefully, we'll meet before another three months.

17 Mr. Omana announced that the next P & Z meeting will be held on April 13, 2010;
18 that already there are a couple of items on the Agenda.

19 IX. Other Business

20 None

21 X. Reports of Other Members

22 None

23 XI. Adjournment

24 The meeting was adjourned at 6:31p.m.
25
26
27

28
29 _____
30 Dr. Robert Hawkins, Chairman
31

Diana T. Adams, Administrative
Secretary