

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, PLANNING AND ZONING**
2 **BOARD MEETING HELD APRIL 14, 2009, 6:00 P.M., CITY HALL, 100 N. COUNTRY**
3 **CLUB ROAD**

4
5 **TAPE 1, SIDE A**

6 I. Call to Order

7 The meeting was called to order at 6:00 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 Sidney Miller
15 Member J.B. Cartmill, II
16 Member Mike Napier
17 Alternate Joe Schofield

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

22
23 Also present who spoke were Sandra Dickey, Mike Peltzer, Leonie Hylton, Azim
24 Manji, Jean Abi-Aoun, Stuart Buchanan, Bill Spruce, Jan Jernigan, Nick Pope,
25 Jay Goldberger and JoAnn Counelius.

26
27 V. Approval of Planning and Zoning Board Minutes - March 10, 2009

28
29 **MOTION:**

30
31 **Member Cartmill moved to approve the Minutes of the Planning and Zoning**
32 **Board meeting of March 10, 2009, as presented. Member Napier seconded**
33 **the motion, which carried unanimously.**

34
35 VI. Old Business

1 None

2
3 VII. New Business

4
5 A. 2009-VA-02: Recommendation to the Mayor and City Commission regarding
6 two variances related to § 160.07(A) and 160.07(B)(2)(b), City Code of
7 Ordinances, for the single-family residential property located at 228 W. Crystal
8 Lake Avenue, Lake Mary, Florida; Applicants: Sandra and Hatch Dickey

9
10 Steve Noto, Planner, presented Item A. and the related Staff Report. The
11 Location Map attached to the Staff Report was on the overhead projector. He
12 said, the subject property is located at 228 W. Crystal Lake Avenue, which is on
13 the north side of West Crystal Lake Avenue and to the west of north 5th Street.
14 There is currently a single-family home on the property (puts copy of reduced site
15 plan on the overhead that is not attached to the Staff Report but is in the file). In
16 1991, the City approved Chapter 160 of the Code of Ordinances, which
17 established two environmentally-sensitive areas, the Crystal Lake Basin and
18 Soldiers Creek. Chapter 160 requires certain setbacks from the environmentally-
19 sensitive areas. From the 100-year flood line, there is a 25-foot environmental
20 buffer, and from there, there is a 75-foot setback. The home that is currently on
21 the property encroaches into the 75-foot setback right now. The home was built
22 in 1949 and is a part of the Crystal Lake Subdivision, which was platted in 1920
23 (puts a reduced, colored copy of the same site plan on the overhead which is
24 also not attached to the Staff Report but is in the file). As you see on the
25 overhead, the Applicants are proposing to build a 5,869 square-foot home with a
26 pool in the backyard that will also have a wooden deck around it, and then they
27 are also proposing to build a dock going to the north portion of the property. The
28 large portion of the house does encroach into the 75-foot setback, as well as a
29 large portion of the pool, and then as you see the back, the left portion of the pool
30 also encroaches into the 25-foot environmental buffer. The orange area to the
31 south and to the east is the 25-foot setback due to the zoning district and also the
32 eight-foot side yard setback.

33
34 Mr. Noto discussed Similar Variance Requests listed in the Staff Report. He
35 stated, there have been 14 other variances related to Chapter 160, including
36 most recently the Overchuck property located at 116 Channel Drive.

37
38 Mr. Noto said that the two requested variances involve the following:

- 39
40 1. Section 160.07 Chapter 160.07(A), reducing an Environmental Buffer Zone
41 from 25.0 feet to 15.0 feet, a reduction of 10 feet.
42

1 2. Chapter 160.07(B)(2)(b), reducing the single-family residential development
2 setback requirement from the Environmental Buffer Zone from 75' to 0 feet, a
3 reduction of 75 feet.
4

5 Mr. Noto concluded his presentation saying, staff finds that the request meets all
6 six Findings of Fact as presented in the Staff Report and recommends approval.
7

8 Juan (John) A. Omana, Jr., Community Development Director, asked Mr. Noto, is
9 the area in white, triangular area, representative then of the buildable area after
10 all setbacks are addressed?
11

12 Mr. Noto answered, yes, after all setbacks are addressed, that would be the only
13 buildable area if the variance were to not be approved.
14

15 Vice Chairman Taylor questioned Mr. Noto, were the previous variances for the
16 75-foot setback or the 25-foot environmental buffer?
17

18 Mr. Noto responded, they are a combination of both. Some would be just for the
19 75 foot and some would be for both.
20

21 Member Napier asked for a comparison as to where the current house sits on the
22 property to where the proposed residence will be going; how much further back
23 into the buffer and setback.
24

25 Mr. Noto put the reduced, colored copy of the site plan back on the overhead and
26 replied, about through here (indicating), the 75-foot setback, the back portion of
27 the house.
28

29 Member Napier requested Mr. Noto to put the other picture on the overhead and
30 show him on there.
31

32 Mr. Noto complied. He further answered, quite a bit more. The current house, a
33 lot of it sits beyond – this direction (indicating) and is not within the 75-foot
34 setback compared to the proposed house here (indicating).
35

36 Member Napier questioned, so, is it correct to summarize that we are allowing
37 them to go further into the setback than where the current house is?
38

39 Mr. Noto responded, yes, that is correct.
40

41 Member Napier asked, do we know how much that is? Are we talking 20 feet, 5
42 feet, 50 feet?
43

1 Gary Schindler, City Planner, replied, well, it appears that none of the existing
2 home is within the 25-foot environmental buffer. He questioned Mr. Noto, did you
3 estimate about how much of the home is in the 75-foot setback?
4

5 Mr. Noto answered, the current home I did not. My best guess would be
6 approximately 15 to 20 feet.
7

8 Mr. Schindler stated that the existing home is very small, and had Chapter 160
9 setbacks been in place at the time this house was built, this lot would not have
10 been approved, but it is approved, and unless we allow a reasonable use of the
11 property, it could be construed to be a taking.
12

13 Member Napier commented, well, I guess what I'm getting at is just trying to
14 understand – we understand that they would have a variance in '91, if they were
15 to build a house in '91. I'm just trying to understand how much more are we
16 making it worse, if you will, to go into that setback than what we currently did
17 versus saying, okay, you can't go any further deep into that setback and keep it
18 where it is, redesign the house such that as long as you don't make it any worse
19 than it currently is in those setbacks, if that is a plausible effort versus – I'm still
20 not hearing how many feet back into the setback we are. Because I know we
21 currently – there are times when we tell people, well, it is nice that you want a
22 pool in there, but.....
23

24 Mr. Schindler said, well, based upon Mr. Noto's estimates, the existing house you
25 would have a variance of about 15 feet from the minimum 75-foot setback. You
26 would have zero feet variance from the 25-foot. So, there is no question that the
27 proposed structure is substantially larger than the existing structure and would
28 require greater variances than what is there now. But, this property has been
29 utilized for single-family residents since '49, so it is certainly not environmentally
30 pristine. You know, you have got – they have been mowing it for years. That is
31 one of the reasons with properties like this that we have found that the wetlands
32 are a very narrow band right at the water's edge. From the yard down to the
33 water, there is a drop of probably six to eight feet. The environmentally-sensitive
34 area tends to be right at the water's edge and not as part of the yard and living
35 area itself.
36

37 Member Napier asked the size of the existing house located on the property.
38

39 Mr. Schindler responded, small. It is typical of the structures built in 1949.
40

41 Mr. Omana put a copy of the existing survey from the file on the overhead for
42 comparison purposes. He explained that the existing survey shows an
43 approximate 25-foot setback to the existing house. He stated that the proposed

1 house shows a 25-foot setback to the front of that portion. He said, if you take
2 and approximately square off this area here (indicating) and represent that as the
3 existing house onto this layer here (indicating), it could be argued that it is going
4 back further maybe 20 to 30 feet, based on the dimensions given on this left side
5 of the house. So, I would say anywhere between 20 to 30 feet further into the
6 setback area, but still outside of the upland buffer area.

7
8 Member Napier questioned, and that is just for the house and not for the pool?

9
10 Mr. Omana replied, that would be just for the house; yes, sir.

11
12 Member Napier asked, is this on septic or sewer?

13
14 Mr. Schindler answered, it is on septic.

15
16 Vice Chairman Taylor questioned, of the previous variances granted that went
17 into the 25-foot buffer, were they necessary for a minimal construction of the
18 house, or were they for a pool, or do you know what those were for?

19
20 Mr. Noto responded, I believe the Overchuck variance -- that was within the 25-
21 foot. That was for a pool and a house already existed. The other 13, I am not
22 sure.

23
24 Mr. Omana added, and just in my tenure here, of the 13, as Mr. Noto has pointed
25 out, it was a combination of encroachments. Some encroachments were more
26 severe than others. I think a common denominator that would tie all of the
27 variances together was that the appropriate treatment and grading be done at the
28 time of construction through a swale area in the back and proper grading. So,
29 that is something that would be employed here as well.

30
31 Mr. Omana announced that this hearing is quasi-judicial in nature; that there was
32 a Quasi-Judicial Sign-In Sheet (see attached) located at the back of the
33 chambers for any interested party to sign in order to be kept abreast of this item.

34
35 Chairman Hawkins requested the Applicants come forward and address the
36 Board.

37
38 Sandra Dickey, Applicant, 109 Estates Circle, Lake Mary, Florida 32746, came
39 forward in favor of granting the two requested variances. She stated that they
40 found this piece of property, love it and want to build their dream home there.
41 Subsequently they learned they needed the variances. They tried several house
42 plans to fit what they want. She said that the house next to the subject property
43 sits way back and the one on the other (west) side also sits way down by the

1 waterfront and they are actually a little bit further back landward than those
2 residences. She stated that it will be a nice home, a great enhancement to the
3 area and to Lake Mary and will bring in some tax dollars.
4

5 Chairman Hawkins opened the hearing to public comment.
6

7 Mike Peltzer, Applicant Representative, 321 Bush Hill Court, Lake Mary, Florida
8 32746, also came forward in favor of granting the two requested variances and
9 has assisted the Dickey's throughout the application process in obtaining these
10 two variances. He said that he is a long-time resident and builder here and is
11 working with Hatch and Sandy in planning their new home. He stated that the
12 white area in the diagram on the overhead is basically unbuildable with the
13 present setback requirements. He said that the house that was there was 750
14 square feet, quite an old home and not up to present-day standards. He stated,
15 the house – it is not real clear on the survey there – you can see on the right
16 hand side it shows the existing house as it relates to the setback on the right
17 hand side, which is pushed almost all the way back into that encroachment area,
18 as well as on the left side. It is not indicated on that survey, but the house on the
19 left side is also all the way back much further than what we are proposing to do
20 here. The lake kind of takes a hook right on that left hand side which allows that
21 house on the left to be pushed a little bit further back. He said, based on those
22 conditions, I would ask that you recommend approval for these variances.
23

24 Member Napier asked, have you been to the Health Department yet for the
25 septic permit?
26

27 Mr. Peltzer replied, no, I haven't. There's plenty of room for a septic tank on that
28 left hand side.
29

30 Chairman Hawkins questioned, do we require septic tanks be put on the front
31 yard on lakefront lots like this?
32

33 Mr. Schindler answered, yes, they are to be in front of the home.
34

35 Mr. Peltzer added, the septic tank requirement is you have got to be 75 feet from
36 that water line, from the high water, which basically pushes it towards the front
37 yard.
38

39 There being no further public comment, Chairman Hawkins closed that portion
40 and entertained board discussion and/or a motion.
41

42 Chairman Hawkins commented, I personally don't see any problem with this. We
43 have done this in the past.

1 Member Napier commented, I guess – yeah. He asked, and, I guess because
2 I'm relatively new and I'm just wanting to understand the kind of precedent here
3 that if we are making or approving something that goes further and deeper into
4 the setbacks, is that -- as long as – as to whether it is a foot into the setback or
5 30 feet or 50 feet into the setback, it makes no difference?
6

7 Chairman Hawkins responded, not to me because you can't expect them to build
8 in that little white triangle.
9

10 Member Napier commented, well, no, I understand that, but a 5,800 square-foot
11 house versus 750 -- I think there is a huge comparison and, quite frankly, I think
12 the Health Department is probably going to have a problem with putting that size
13 of a septic system on that lot, but they may not. That is their fight to deal with.
14

15 Chairman Hawkins commented, yeah. Well, there is probably plenty of room in
16 the front yard. But, you know, as long as they are above the 100-year floodplain.
17 You know, even if they get a flood, it might flood the pool a little bit, but we have
18 allowed pools to go into the environmental buffer before, so.....
19

20 Vice Chairman Taylor commented, but on the Overchuck property, if I am
21 thinking of the same one, the house was built in the buffer before the rules
22 changed, and so the pool – they built that house at that size prior to the rules
23 being changed. So, that is kind of why we grandfathered or considered a
24 variance in that case as opposed to it being a tear down and building a house. I
25 think you have got a right to build a wonderful, beautiful house, but you have the
26 right to build as large of a house as you absolutely want if that goes into the
27 environmental buffer and it is not a huge change. I would be more comfortable
28 bringing it up into the front 25-foot setback than going back into the
29 environmental buffer. So, I don't think it is a taking in any way by saying you may
30 not be able to build 5,700 square feet. It might have to be 4,300 square feet to
31 stay out of the environmental buffer because I don't personally see the same
32 conditions as in that prior property.
33

34 Chairman Hawkins commented, well, it's not – yeah, it's not just that property, it
35 is other properties that we have granted variances for environmental buffer
36 encroachment for swimming pools.
37

38 Vice Chairman Taylor questioned, but for teardowns and complete rebuilding?
39

40 Chairman Hawkins replied, it doesn't matter.
41

42 Vice Chairman Taylor commented, I, personally, see a difference.
43

1 Mr. Omana stated, one of the litmus tests that the City Commission has looked at
2 and used when looking at these variances is, again, reasonable use of the
3 property. I can tell you from one experience we had on the north side of the City
4 – a similar situation where they were encroaching – vacant property – into the
5 said setbacks, but they were – the key element was they were increasing the
6 density, number of lots. If these fine folks were coming in here and saying, well, I
7 want to go ahead and build two houses and I'm going to encroach, I can tell you
8 right now that would be a recommendation of denial. Since they are coming in
9 for a proposed residence, the reasonable use of the property under the zoning,
10 allowing of one unit, then the City Commission has looked upon that favorably
11 with respect to the encroachments, whether it is into the overlay setback or the
12 actual environmental buffer. So, we kind of use density as the litmus test, and
13 that is from a historical perspective of the past 13 or 14 we have had on these
14 type of things.

15
16 Vice Chairman Taylor commented, I can't say that I agree with that because as
17 you get into older parts of the community where there are teardowns, then it
18 almost seems like what is the point of the environmental buffer if everyone is
19 going to build to the max that they want as opposed to there being some limit on
20 the maximum. It is still a completely, reasonable use of the property to say that it
21 has got to be 100 or 200 square feet less. I guess I just wouldn't agree with that
22 personally if that had been the prior decisions.

23
24 Mr. Omana said, understood. And, I'm just advising you as to what the
25 Commission has said.

26
27 **MOTION:**

28
29 **Member Cartmill moved to recommend approval to the Mayor and City**
30 **Commission the request by Sandra and Hatch Dickey regarding two**
31 **variances related to § 160.07(A) and 160.07(B)(2)(b), City Code of Ordinances,**
32 **for the single-family residential property located at 228 W. Crystal Lake**
33 **Avenue, Lake Mary, Florida, consistent with staff's seven Findings of Fact**
34 **listed in the Staff Report. Member Miller seconded the motion.**

35
36 Member Miller commented, the one thing that seems to me from the discussion is
37 when we have precedence for things like this, it would be useful if we had a list of
38 what we had done before and what happened with it because we really only know
39 about one. We say there were others and we kind of know what they were, but we
40 don't know other than other people's experience. So, in the future, it would be good
41 if we had a list of how we had done this in the past.

42
43 Mr. Omana so noted that suggestion.

1 **Vice Chairman Taylor was opposed to the motion. Member Napier abstained**
2 **from voting on the motion (see attached Form 8B). The motion carried 3-1.**
3

4 Mr. Omana announced that this item will move forward to the City Commission's
5 May cycle; that staff will contact the Applicants on confirmation of time and date.
6

7 B. 2009-CU-01: Recommendation to the Mayor and City Commission for a
8 conditional use to allow a non-retail pharmacy in the PO (Professional Office)
9 Zoning District located at Legacy Village, 3248 W. Lake Mary Boulevard, #1200
10 and #1210, Lake Mary, Florida; Applicant: St. Ledger Investments, LLC/Leonie
11 Hylton
12

13 Steve Noto, Planner, presented Item B. and the related Staff Report. The
14 Location Map attached to the Staff Report was on the overhead projector. He
15 stated the location of the subject property (see above), which is on the north side
16 of Lake Mary Boulevard on the west side of 9th Street, east of Wilson, south of
17 Lakeview. He said that the site is currently developed as the Legacy Village
18 office complex, which was approved by the City Commission in March of 2004.
19 He stated that the Applicant is proposing to occupy two bays of the complex to
20 operate a non-retail pharmacy, the two bays adding up to 2,000 square feet. He
21 said that currently the subject property is zoned PO (Professional Office), and
22 within the PO Zoning District, a pharmacy is considered a conditional use. He
23 stated that the Applicant has provided a business plan which highlights some
24 aspects of the business. The pharmacy would function as a closed-internet
25 pharmacy where prescriptions would be supplied and labeled. A courier
26 company would be utilized to deliver the goods to customers and these
27 customers would not be permitted to enter the building. The hours of operation
28 are anticipated to be between 9:00 a.m. and 9:00 p.m. with approximately five
29 employees. He said, due to that and the nature of the business, at the most, six
30 parking spaces would be used with five max. employees working at any given
31 time.
32

33 Mr. Noto discussed Similar Conditional Use Requests listed in the Staff Report,
34 both requests being for non-retail pharmacies that were previously approved, as
35 follows:
36

37 2007-CU-04: The Planning and Zoning Board approved unanimously, 4-0, a
38 closed-door pharmacy within the M-1A Zoning District. This item went forward to
39 the City Commission; however, the Applicant withdrew the application before it
40 could be approved or denied.
41

42 2003-CU-03: On May 15, 2003, the City Commission approved unanimously, 5-
43 0, the operation of a closed-door pharmacy at 755 Rinehart Road, which has PO

1 zoning. The Applicant proposed to distribute medical appetite suppressants to a
2 third party; no customers would be entering the facility.

3
4 Mr. Noto concluded his presentation by saying, staff finds that the request meets
5 all six Findings of Fact as presented in the Staff Report and does recommend
6 approval.

7
8 Juan (John) A. Omana, Jr., Community Development Director, announced that
9 this hearing is quasi-judicial in nature; that there was a Quasi-Judicial Sign-In
10 Sheet (see attached) located at the back of the chambers for any interested party
11 to sign in order to be kept abreast of this item.

12
13 Chairman Hawkins requested the Applicant to come forward and address the
14 Board.

15
16 Leonie Hylton, 1539 Cherry Blossom Terrace, Lake Mary, Florida 32746, came
17 forward in favor of the proposed conditional use request.

18
19 Chairman Hawkins asked Ms. Hylton if she had anything further to add to Mr.
20 Noto's presentation.

21
22 Ms. Hylton answered, no, not at all. Mr. Noto has pretty much summarized it.

23
24 Member Napier questioned, I'm curious as to how – are you just dispensing or
25 breaking down bulk drugs and then sending them back out? How does that
26 process work in the pharmacy? I mean, are you – when I am seeing here you
27 are not selling it to customers, you are shipping them out, is this something that
28 you are – you get 10,000 pills and you break them down into units?

29
30 Ms. Hylton responded, no, actually, one of the parameters of that
31 institutional/internet -- in the sense that institutional -- like in Assisted Living
32 Facility. You receive the orders and you pretty much dispense. So, nothing – it
33 is not like bulk, in the sense of re-labeling or re-packaging. It is simply filling
34 orders. It is just that it is not retail.

35
36 Chairman Hawkins opened the hearing to public comment. Hearing none, he
37 closed that portion and entertained board discussion and/or a motion.

38
39 Chairman Hawkins commented, I'm in favor of this. I think businesses like this
40 are – this is an ideal place for a nice business like this. I think it's great.

41
42 **MOTION:**

43
APRIL 14, 2009-10
PLANNING AND ZONING BOARD

1 **Member Miller moved to recommend approval to the Mayor and City**
2 **Commission the request by St. Ledger Investments, LLC/Leonie Hylton for a**
3 **conditional use to allow a non-retail pharmacy in the PO (Professional Office)**
4 **Zoning District located at Legacy Village, 3248 W. Lake Mary Boulevard,**
5 **#1200 and #1210, Lake Mary, Florida, consistent with staff's seven Findings**
6 **of Fact listed in the Staff Report. Member Cartmill seconded the motion,**
7 **which carried unanimously 5-0.**
8

9 Mr. Omana announced that this item will move forward to the City Commission's
10 May cycle; that staff will contact the Applicant on confirmation of time and date.
11

12 C. 2009-RZ-01: Recommendation to the Mayor and City Commission for a change
13 in zoning from C-1 (General Commercial) to DC (Downtown Centre) for a
14 property located north of Lake Mary Boulevard, east of Country Club Road and
15 abutting the CSX Railroad, Lake Mary, Florida; Applicant: Quality Real Estate
16 Development Corporation/Azim Manji
17

18 Steve Noto, Planner, presented Item C. and the related Staff Report. The
19 Location Map attached to the Staff Report was on the overhead projector. He
20 stated, the subject property is located on the north side of Lake Mary Boulevard
21 abutting the CSX Railroad on the east side. The large parcel to the right there is
22 the FDOT parcel that will be utilized as the parking lot for the SunRail system,
23 and any parcels to the right of that, which are actually going north/south along
24 Palmetto, are either have been purchased by or are in the process of being
25 purchased by FDOT for this same process.
26

27 Mr. Noto said that the subject property is approximately .94 acres in size and is
28 undeveloped; that the current zoning of the property is C-1 (General Commercial)
29 with a Future Land Use designation of LMDR (Low Medium Density Residential).
30 He stated that per the Comprehensive Plan, those two designations are not
31 compatible; that the Applicant is processing concurrently to this application a
32 Future Land Use amendment of LMDR to DDD (Downtown Development District)
33 to complement this request of C-1 to DC zoning.
34

35 Mr. Noto said that the Applicant proposes to develop the subject property as their
36 real estate business headquarters, as well as to have businesses that would
37 support the rail station; that the property would also act as a catalyst for more
38 properties on the east side of the railroad to rezone to DC in preparation of the
39 SunRail and the Transit Oriented Development Overlay District.
40

41 Mr. Noto proceeded to put on the overhead projector a diagram attached to the
42 Staff Report which depicts a combination of the location of the Applicant's
43 property, which is on the southwest corner and highlighted in yellow, and the

1 planned – I believe these are the 60-percent plans, John, that have been
2 submitted by FDOT for the parking lot of the SunRail system.

3
4 Mr. Noto stated, what we have recommended to the Applicant is that due to the
5 unique location of his property, that he work with us and FDOT to utilize some
6 cross-access agreements and easements to utilize the parking lot and the
7 access points that FDOT will be providing, as well as use the retention pond to
8 the right there (indicating to overhead) for cross-drainage easements so that way
9 he can have a little more use of his property. That will all be taken care of either
10 now through a Developer's Agreement when this goes to City Commission or
11 through – during the site plan stage.

12 Mr. Noto said, the proposed DC zoning is compatible with the Downtown
13 Development District Land Use that is also being proposed currently. The
14 Applicant will also be formally requesting for inclusion into the Downtown, which
15 will be heard by the City Commission.

16
17 Mr. Noto concluded his presentation by saying that staff finds that this request to
18 rezone from C-1 to DC meets all applicable Findings of Fact and recommends
19 approval.

20
21 Chairman Hawkins questioned, so, his property ends right here (indicating to
22 overhead); is that correct?

23
24 Mr. Noto responded, yes, that is correct.

25
26 Chairman Hawkins asked, and the site plan sheet here that is labeled Manji's
27 Lake Mary Office Building (see attached to Staff Report), is that relative to this?
28

29 Mr. Noto replied, yes. The – a little history is that this project, I believe it was
30 earlier this decade -- his company started to work on doing this. I believe the
31 elevations are also a part of your packet, and this is kind of something that he
32 picked up – it was sitting in the office and they wanted him to get moving on it
33 again. So, the site plan – it never came to us as a site plan. It is very preliminary
34 and obviously we were able to get all the parties involved to agree on this type of
35 layout. The site plan that has been given to you today will most likely change.
36

37 Gary Schindler, City Planner, added, and it is for information purposes only at
38 this point.

39
40 Chairman Hawkins commented, okay. That is really what I wanted to know, that
41 this was something that was going on awhile back.

42
43 Mr. Noto concurred.

1 Juan (John) A. Omana, Jr., Community Development Director, announced that
2 this item is quasi-judicial in nature; that there was a Quasi-Judicial Sign-In Sheet
3 (see attached) located at the back of the chambers for any interested party to
4 sign in order to be kept abreast of this matter.
5

6 Chairman Hawkins requested the Applicant to come forward and address the
7 Board.
8

9 Azim Manji, Applicant, 115 Timberlachen Circle, Suite 1005, Lake Mary, Florida
10 32746, came forward in favor of the proposed rezoning.
11

12 Chairman Hawkins questioned Mr. Manji if he had anything further to add to Mr.
13 Noto's presentation.
14

15 Mr. Manji answered, no, sir. Steve did a good job.
16

17 Chairman Hawkins commented, once again. All right. Thank you, sir.
18

19 Chairman Hawkins opened the hearing to public comment. Hearing none, he
20 closed that portion and entertained board discussion and/or a motion.
21

22 Chairman Hawkins commented, this looks like a well-developed plan. So, I'm
23 glad everything is working out.
24

25 **MOTION:**
26

27 **Vice Chairman Taylor moved to recommend approval to the Mayor and City**
28 **Commission the request by Quality Real Estate Development**
29 **Corporation/Azim Manji for a change in zoning from C-1 (General**
30 **Commercial) to DC (Downtown Centre) for a property located north of Lake**
31 **Mary Boulevard, east of Country Club Road and abutting the CSX Railroad,**
32 **Lake Mary, Florida, consistent with staff's Findings of Fact listed in the Staff**
33 **Report. Member Miller seconded the motion, which carried unanimously.**
34

35 Chairman Hawkins informed Mr. Manji that this item will move forward to the City
36 Commission's May cycle; that staff will contact the Applicant on confirmation of time
37 and date.
38

39 D. 2009-RZ-05 & 2009-RZ-06: Recommendation to the Mayor and City
40 Commission for a Preliminary and Final PUD for Leisure Bay Commerce
41 Center, 2452 Lake Emma Road, Lake Mary, Florida; Applicant: Lake Mary Bay,
42 LP
43

1 Steve Noto, Planner, presented Item D. and the related Staff Report. The
2 Location Map attached to the Staff Report was on the overhead projector. He
3 stated that the subject property is located at 2452 Lake Emma Road on the west
4 side of Lake Emma Road north of Emma Oaks Trail and north of the Huntington
5 Pointe Subdivision; that it is approximately 33.75 acres in size, has a zoning of
6 M-1A (Industrial) and a Future Land Use of Industrial.
7

8 Mr. Noto said, the Applicant is proposing a zoning change to PUD. Currently the
9 site has 548 regular parking spaces, 10 of which are handicapped. Based on the
10 breakdown of the uses that are currently being utilized on the property, 501
11 parking spaces are required. The main reason for this PUD request circulates
12 around that issue of parking. Currently, when the facility is operating at 100-
13 percent-capacity-use wise, the parking lot has not been but barely 50-percent
14 full; however, due to the parking regulations, the Applicant has been unable to
15 rent out more space. By rezoning the PUD and having a Developer's
16 Commitment agreement, the Applicant will be able to get the most efficient use
17 out of the property. However, if it becomes apparent that the need for parking
18 exceeds what is actually available, the Applicant will be required to mitigate
19 appropriately. As within the Developer's Agreement, he has laid out some staff
20 recommendations as to how that mitigation would become possible, and we have
21 noted that those mitigating measures shall include but will not be limited to
22 having employees work in second and/or third shifts, starting a van-pooling
23 program or complete a parking study. Again, those are three options, and he
24 does have the ability to do something else, or more, if needed. I should note
25 though that no matter what happens with the parking and no-parking rule, there
26 will be no parking along Lake Emma Road, Emma Oaks Trail or anywhere within
27 the property that is noted as no parking.
28

29 Mr. Noto stated, as a side landscaping item, the Applicant has proposed to plant
30 two Medjool palms at the entrance of the property.
31

32 Mr. Noto said, regarding the requirements to go to PUD, the property is over five
33 acres in size, which is a requirement, and it does have more than one use on the
34 property.
35

36 Mr. Noto concluded by saying, staff finds that the request does meet all
37 applicable Findings of Fact and we do recommend approval of the item (to
38 include two conditions within the Findings of Fact).

39 Chairman Hawkins asked, so, what specifically are the uses?
40

41 Mr. Noto responded, right now, there is 409,000 square feet of warehouse
42 distribution, 113,000 square feet of manufacturing and 43,000 square feet of
43 office.

1 Chairman Hawkins questioned, so, are all of those uses kind of the same? I
2 know for a PUD, you have to have multiple uses. I mean, does that break down
3 sufficient to satisfy the requirement?
4

5 Mr. Noto replied, the PUD code was changed, Gary, a few years ago, I believe it
6 was, to go from that you needed two uses to just one.
7

8 Chairman Hawkins requested the Applicant to come forward and address the
9 Board.
10

11 Jean Abi-Aoun with Florida Engineering Group, 5127 S. Orange Avenue, Suite
12 200, Orlando, Florida 32809, Civil Engineers representing the Applicant, came
13 forward in favor of the proposed Preliminary and Final PUD. Mr. Joe Hurt,
14 owner's representative, was also with him and was seated in the audience. Mr.
15 Abi-Aoun stated that they concur with staff's recommendations and requested
16 that the Board recommend approval of their request. He said that he was mainly
17 present for any questions that the Board may have.
18

19 Chairman Hawkins asked, so, you are comfortable with the Developer's
20 Commitment agreement and the mitigation policies should you utilize or need
21 more parking than what you think?
22

23 Mr. Abi-Aoun answered, we have worked very closely with staff and we are in
24 concurrence with everything in the Developer's Commitment agreement.
25

26 Member Cartmill questioned, is there an estimate as to if you do fill up this
27 property, what your parking needs will be? What they will ultimately end up
28 being?
29

30 Mr. Abi-Aoun responded, I mean, historically, based on the current use, we have
31 never exceeded 50 percent of what we have. So, we don't really anticipate any
32 problems moving forward. Even staff had, you know, the additional requirement
33 in case we wanted more than 528 – they had a list of mitigating factors that we
34 had to comply with, but in reality, we don't believe we are going to get to there.
35

36 Member Napier asked, but is your facility at capacity now?
37

38 Mr. Abi-Aoun answered affirmatively.
39

40 Chairman Hawkins commented, good. It's a good business they have there, too.
41

42 Juan (John) A. Omana, Jr., Community Development Director, announced that
43 this item is quasi-judicial in nature; that there was a Quasi-Judicial Sign-In Sheet

1 (see attached) located at the back of the chambers for any interested party to
2 sign in order to be kept abreast of this matter.

3
4 Chairman Hawkins opened the hearing to public comment. Hearing none, he
5 closed that portion and entertained board discussion and/or a motion.

6
7 Chairman Hawkins commented, I think staff has done a good job at covering the
8 bases. I don't have any problems with this at all. I'm just glad somebody is in
9 that building and they are using it. And, those two nice palm trees will make a
10 nice addition.

11
12 Gary Schindler, City Planner, stated, Mr. Chairman, when it comes to parking,
13 government shoots for the average, and I have seen some instances where the
14 standards didn't – when the business was extremely successful and the parking
15 ratio didn't meet the need. Well, here we have an instance where the average is
16 over and above what is needed, and this is one of the reasons that we feel very
17 comfortable in bringing it to you and recommending approval.

18
19 Chairman Hawkins said, yes, it is obvious that this business is run efficiently.

20
21 Chairman Hawkins commented that the Staff Report didn't indicate that this item
22 is a recommendation to the City Commission.

23
24 Mr. Omana stated that staff has it written as a recommendation on the Agenda,
25 but will modify the Staff Report prior to going forward to the City Commission.

26
27 Chairman Hawkins okayed that.

28
29 **MOTION:**

30
31 **Member Napier moved to recommend approval to the Mayor and City**
32 **Commission the request by Lake Mary Bay, LP, for a Preliminary and Final**
33 **PUD for Leisure Bay Commerce Center, 2452 Lake Emma Road, Lake Mary,**
34 **Florida, consistent with staff's Findings of Fact listed in the Staff Report and**
35 **subject to the following three conditions. Vice Chairman Taylor seconded**
36 **the motion, which carried unanimously.**

37
38 **CONDITIONS:**

- 39
40 **1. The proposed Preliminary PUD Development Plan complies with the**
41 **requirements of Section 154.61 (E).**
42 **2. In the event the need for parking spaces exceeds the current parking**
43 **capacity, the owner of the subject property will institute mitigating**

1 **measures to alleviate any parking overcapacity problems by**
2 **implementing one or more remedial measures that include but are not**
3 **limited to:**

- 4 a. **Have employees work in 2nd and/or 3rd shifts**
- 5 b. **Start a vanpooling program**
- 6 c. **Complete a parking study**

7 **3. Planning and Zoning Board recommends that this be subject to the**
8 **Developer's Commitment agreement attached to the Staff Report and**
9 **that staff modify the Staff Report subsequently going to the City**
10 **Commission to reflect that this is a recommendation to them.**

11
12 Mr. Omana announced that this item will move forward to the City Commission's
13 May cycle; that staff will contact the Applicant on confirmation of time and date.

14
15 E. 2009-RZ-03 & 2009-RZ-04: Recommendation to the Mayor and City
16 Commission regarding a Preliminary PUD, a Final PUD and Developer's
17 Agreement for the Lake Mary Preparatory School, 650 Rantoul Lane, and the
18 Junior Academy, 140 E. Wilbur Avenue and 143 E. Lake Mary Avenue, Lake
19 Mary, Florida; Applicant: Lake Mary Real Estate, LLC/Larry Lombardi

20
21 Gary Schindler, City Planner, presented Item E. and the related Staff Report.
22 The Location Map attached to the Staff Report was on the overhead projector.
23 He stated, we have before us tonight a little, unusual animal. Usually, a PUD
24 concerns properties that are contiguous. Well, we don't have that tonight. We
25 have a property which is the main campus, which is PUD already, and then we
26 have two properties, one on Wilbur, which was the Junior Academy, and then the
27 vacant lot on the southwest corner of 2nd and Lake Mary Avenue. But, there is
28 nothing in the City's Code that says that PUDs have to – the properties have to
29 be contiguous. What is really more important is the fact that all of the properties
30 have the same owner and that they are all proposed to be utilized as part of the
31 Lake Mary Preparatory School. So, staff has no problem in recommending that
32 the PUD contain all three properties.

33
34 Member Napier interjected questioning, if they weren't the same owners, would
35 that make a difference?

36
37 Mr. Schindler replied, yes. If they weren't the same owners, we would be asking
38 why. Why do you want to have the PUD. Now, they could be separate owners,
39 but all the owners would have to sign the application and there would have to be
40 some connectivity of purpose with the property.

1 Mr. Schindler announced that this hearing is quasi-judicial in nature; that there
2 was a Quasi-Judicial Sign-In Sheet (see attached) located at the back of the
3 chambers for any interested party to sign in order to be kept abreast of this item.
4

5 Mr. Schindler said, first of all, let me start off by saying that in all the time that we
6 have been dealing with the Applicant and their representatives, there is no
7 proposal to revise the two thresholds regarding maximum number of students.
8 This does not propose to change the 800-maximum-student threshold or the 400-
9 maximum-student threshold in grades 9 through 12. So, that should make some
10 people breathe easier that they are really not increasing the size of the school.
11 What they are proposing to do is four-fold; one, on the Master Plan now for the
12 main campus, just to the west of the educational building, it shows a swimming
13 pool, and they say, okay, you know, we want the ability to either have the
14 swimming pool or build a two-story classroom building, an academic building.
15 The second item (puts Exhibit B attached to the Staff Report on the overhead
16 projector), in the Junior Academy, the existing building on the north side of Wilbur
17 Avenue, this was where the daycare/kindergarten classes were. They have been
18 incorporated into the main campus. So, now they have an empty building, and in
19 other schools – and they have schools all over the United States and all over the
20 world. They have started having international students come and they need
21 dormitory space, and so they have approached us and said we want to renovate
22 the existing building into dormitory space for a maximum of 28 students. And, it
23 is labeled here as Phase 1 (indicating to overhead). Phase 2: We said, well,
24 when you do that, when you develop property or redevelop property, we want
25 you to develop parking within the right of way, and they have talked with us and
26 said we would rather develop parking on the opposite side of Wilbur. It is
27 adjacent to the City-owned property that is one of the stair-step parks and would
28 serve a more beneficial purpose in providing access to the parks because the
29 intent is that these students are not going to have automobiles. They will not
30 have an automobile. In fact, it says they will not be allowed to park. They will be
31 shuttled back and forth between the dormitory and the main campus via a van.
32 So, they have plenty of parking at the north side of their property. But, they are
33 working with us to provide on-street parking that will benefit mostly the City, and
34 they have proposed to do this prior to January 1, 2010. Fourth Item/Phase 3: I
35 draw your attention to a scrivener's error at the top of page 3 of 5 of the Staff
36 Report where it says that Phase 2 will be completed no sooner than August
37 2010. That should be Phase 3. Phase 3 is an expansion of the existing building,
38 and it will be dorms for – it will be 46 additional dorm rooms, and that will be
39 completed no sooner than August of 2010. So, those are the four items that the
40 PUD is addressing. It is not doing away with anything that is already
41 incorporated and approved by the adopted PUD. It is simply addressing these
42 four issues. Now, this is part of the Master Plan for this as well as (puts Exhibit A
43 attached to the Staff Report on the overhead) this is the new Master Plan for the

1 main campus, and the building that we are talking about is right here (indicating
2 to overhead). This is either going to be a swimming pool or it is going to be a
3 classroom building. Now, we have a number of people here from the school and
4 we also have Mr. Pope who is from Lowndes, Drosdick, and as we have been
5 speaking, they have had a number of issues that they have been working on.
6 The Development Agreement that you have before you and the Master Plan are
7 basically sound; however, that does not mean that they cannot be improved
8 upon, and I would like to see if you have any additional questions of me, and
9 then I would like to turn the issue of the meeting over to Mr. Stuart Buchanan or
10 someone else from Meritas to talk about the give and take that happens during a
11 PUD. He concluded his presentation by saying, so, if that is okay with you, Mr.
12 Chairman, I will be happy to address any questions or clarify any issues that you
13 may have of me, or staff.
14

15 Chairman Hawkins commented, I have one question about the Phase 3 parcel
16 that abuts Lake Mary Boulevard and the recreational area and the retention
17 pond. He asked, I guess if they can't have exfiltration [sic] under the parking lot
18 on Phase 3, that is what the extra retention pond is for?
19

20 Mr. Schindler put Exhibit B back on the overhead and answered, some of the
21 changes relate to this property and, in short, what is going to happen is that the
22 play area and the retention area are going to flip-flop, so that there is a
23 vegetative buffer. In fact, there is proposed to be a berm between this property
24 and the properties here (indicating to overhead). But, yes, in essence, they wish
25 to have the freedom to either do infiltration, a storm water pond or a combination
26 of the two. This really sets, as Mr. Omana is fond of saying, the regulatory table.
27 It doesn't mean they are going to do a pond. It simply means that when they get
28 to the point of bringing in the site plan, they may.
29

30 Chairman Hawkins questioned, and the recreation area is for what age students
31 and what...
32

33 Mr. Schindler interjected responding, well, we are dealing only with high school
34 students, 9-12. So, we are dealing with an area where the kids can kick around
35 a soccer ball, make a nuclear bomb (laughter).
36

37 Chairman Hawkins asked, but, as far as you know, there are no plans for a
38 lighted basketball court or a tennis court, or.....
39

40 Mr. Schindler replied, no, and you may so stipulate that the play field would not
41 be lit. And, I believe one of the agreements is the hours of operation. And, I
42 believe Mr. Omana had a comment that he was going to make.
43

1 Juan (John) A. Omana, Jr., Community Development Director, commented, yes,
2 actually, Chairman Hawkins took the question on the issue of the site plan; that
3 they will have to come in subsequently and present the site plan petition. My
4 second question: Mr. Schindler, you pointed out in your presentation that these
5 students would not be able to park within that area. Let me rephrase that, if I
6 could. These students will not be driving; is that correct?
7

8 Mr. Schindler answered, that is my understanding; yes. They do not have
9 vehicles. There is no provision for them to have vehicles at the property.
10

11 Mr. Omana stated, if we could get that confirmation from the Applicant once he
12 gets up, that would be great.
13

14 Chairman Hawkins questioned, aren't there some other issues with the larger
15 piece of property regarding lighting and all of this that got brought up and then
16 got postponed and then got brought up again? Was any of that ever resolved?
17 This was from, like, a year or two ago.
18

19 Mr. Schindler responded, well, there were provisions that said that by 11 o'clock
20 the lights must be out. There were a number of provisions that dealt with the use
21 of the lights.
22

23 Mr. Omana added, also, there were issues related to the cutting of the hedges,
24 not cutting the hedges, also traffic in the area, the issue of special events, and
25 Mr. Stuart Buchanan and his staff have met with the homeowners – and I think
26 they have had a number of community meetings that I would prefer for him to
27 address those issues -- but my understanding, in my discussions with Stuart, is
28 that they have been able to address a number of those issues. In part, that was
29 raised by the whole portables' issue as you recall. Well, that portables' issue got
30 resolved which, in turn, opened the door for other issues to be addressed. I will
31 let Mr. Buchanan address that.
32

33 Chairman Hawkins asked, well, do any of those resolutions need to be put in
34 writing as part of the PUD -- is what I am kind of getting at.
35

36 Mr. Omana replied, at this point, no, because our main concern was the issue of
37 the portables and – we had concerns about that. Obviously, that got resolved.
38 They are off the property and, in turn, they have complied with the original
39 stipulation under the PUD. The issue of the hedges – I drive by there every other
40 week to make sure that they are not being trimmed. So, there is no need to do
41 anything on the hedge issue. Relative to traffic and special events, there is really
42 nothing in the Agreement that governs that, but, again, I will let Mr. .Buchanan
43 elaborate on that, if he needs to.

1 Mr. Schindler said, and, Chairman Hawkins, you know, I just – but these are
2 serious students and they are here at a great deal of expense and, you know,
3 they are here to study and to learn, and we believe that the dormitory has the
4 potential to be a very good use for this property.

5
6 Member Napier questioned, these aren't just international students? They're
7 local students as well though; right?

8
9 Mr. Schindler answered, it has been represented to us that these will be, if not
10 all, predominantly international students, and I believe that they have schools
11 now here in the United States where they have international students in
12 residential settings.

13
14 Mr. Omana added, and as further clarification on that, the Development
15 Agreement does point out that it is a full-time enrolled student. Mr. Buchanan
16 and his staff has pointed out to us that it will be primarily international students.
17 So, when he gets his opportunity to speak, I would request that he further clarify
18 for us what is the position of the school on that.

19
20 Member Napier commented, because if we are talking 400 and 800 students, I
21 don't know how – is that what I heard you say?

22
23 Mr. Schindler responded, well, that is the total of the school. This would be 28
24 rooms, generally two students per room, and then with 92 additional – or 64
25 additional dorm rooms, we are looking at, what, about 90-some-odd rooms, and
26 maybe I'm – 92 rooms. So, there are not going to be 800 students there. That is
27 the maximum number of students that the school may have enrolled, and most of
28 them come from the community.

29
30 Member Napier asked, from the community that are international students?

31
32 Mr. Schindler replied, no. There are students now – I believe that they have 600
33 students now, and all the students come from the Central Florida area. They are
34 looking to build a dormitory so that they can offer a residential setting for
35 students, mostly from international – from out of the country to come live and
36 work – or live and study.

37
38 Member Miller questioned, are we waiving the parking requirement because the
39 assumption is they will not have automobiles and they will not drive; right?

40
41 Mr. Schindler answered, the Development Agreement says they will not...
42

1 Member Miller interjected asking, do we have any control over whether they have
2 automobiles and whether they drive?

3
4 Mr. Schindler responded, there is no control, but it says they will not park at the
5 subject property. Now, I can't say that if I'm the rich son or daughter of someone
6 very wealthy and powerful in another nation that I won't have someone here who
7 is close at my side to make sure that I am protected and that person would have
8 an automobile, a vehicle of some sort. But, the intent is that the students
9 themselves will not be driving. They will be shuffled back and forth or shuttled
10 back and forth via a van.

11
12 Member Miller questioned, if somehow there were 180 automobiles associated
13 with the dormitories – I think you said 90 rooms, so it would be 180 students,
14 roughly – if that were to be the case, what would that do to the downtown area
15 parking-wise?

16
17 Mr. Schindler replied, with this property it would be unworkable if they had that
18 many vehicles.

19
20 Member Miller asked, how do you protect the City against that? How do we –
21 because we really can't say they can't drive. It is sort of the school's rule that
22 they shouldn't have automobiles and they won't do it, but then we let -- the City
23 decides not to put parking in and then they decide to do something else?

24
25 Mr. Schindler answered, but there is parking on the property itself now because it
26 was a Junior Academy and they are putting in 10 additional parking spaces on
27 the south side of Wilbur.

28
29 Member Miller questioned, so, what is the total parking?

30
31 Mr. Schindler responded, I can't answer that. I will need to ask that of Mr.
32 Lombardi or someone else.

33
34 Mr. Omana stated, kind of looking at the parameters or the thresholds that may
35 be put on this project, if it is a cap of 92 students, or however many students
36 within the space, and they commit to no driving of vehicles or put a limit on the
37 number of vehicles, if we, as a City, eventually approve that through the City
38 Commission, then we find out that, you know, they have exceeded that approved
39 threshold, then we have a situation where you have a violation of a PUD and the
40 zoning approval, which would then trigger a code enforcement action. And, that
41 would be applicable to any project. So, procedurally, that's what would happen.
42 If the thresholds of the PUD are violated, we, as a City, have the ability to enforce
43 through our Code Enforcement action. And, trust me when I say I wouldn't want

1 to be in violation of a PUD agreement. I mean, that is a Development Order. It is
2 a serious matter. If I may refer to this issue if I have answered your question?
3

4 Member Miller replied, you have.
5

6 Mr. Omana made reference to one more exhibit, a colored City of Lake Mary
7 Future Land Use Atlas (not attached). He said, this exhibit before you is an item
8 that we have been dealing with the City Commission on – and I will brief you later
9 on during the Director's Report – but the reason I want to bring it to your attention
10 is that -- here is the subject property (indicating to overhead), formerly the Junior
11 Academy, and it happens to be on the border of what is known as the Transit
12 Oriented Development (TOD) Overlay Area that the City Commission has
13 directed us and our consultant to go ahead and study and pursue in light of the
14 Sunrail project coming down the track, no pun intended. So, I've been asked,
15 well, you know, how is this going to be compatible with the TOD, is it going
16 against the TOD, is it – how does it kind of mix in with the whole thing. It would
17 be my professional opinion that the nature of the project is one that promotes
18 residency within the Downtown, which is something that we want, and if
19 eventually the Sunrail goes in with the surrounding TOD development going in
20 with services for the Downtown area, then I think both uses would certainly
21 compliment each other. So, I just kind of wanted to give you that perspective
22 since the question was raised since the project was filed as to how it would relate
23 to the TOD. So, I just wanted to get that on the record. Thank you.
24

25 Vice Chairman Taylor commented, I'm not sure, legally speaking, even from a
26 Code Enforcement standpoint, that if the school says – and what the Developer's
27 Agreement says is dormitory students shall not be allowed to park automobiles
28 on the dormitory site. So, it kind of almost passively admits that they will have
29 automobiles. They are saying they are not allowed to park it on the site. If they
30 tell the students they are not allowed to do that and the students go ahead and
31 do it anyway, I don't know that the City would have any legal authority to go after
32 the school or the PUD as opposed to going after the students individually. And,
33 so, that is a real concern for me because while I think they could feed into the
34 TOD as a pedestrian population, these businesses are really going to rely on
35 parking available, which is at a premium in the Downtown area for people,
36 legitimate customers to come in. And, anyone who has went to college or
37 anywhere there is a parking restriction on a freshman or sophomore knows that it
38 was almost never followed, myself included. But, if we are talking about even
39 just 92 students – I'm not sure if it is 92 or 130 the way the Developer's
40 Agreement works -- I mean, 50 automobiles would be, I think we would all agree,
41 a huge problem for Code Enforcement or for parking enforcement, anything for
42 the City. She asked, how can we get around that? What is the City's legal

1 opinion on that, if they have one? Because I really don't think you would go after
2 the PUD that way.

3
4 Mr. Omana stated, and that is something certainly our City Attorney would have
5 to look at. I am not even going to sit here and play attorney because I am not
6 one. But, certainly, our City Attorney would advise us on that matter. And,
7 again, I stress that I would like to hear Mr. Buchanan or a representative of the
8 school to absolutely, clearly tell us the program in question, what is the nature of
9 the program, the issue of driving versus not driving, capacity, the whole nine
10 yards. So, I think he will have that opportunity.

11
12 Mr. Omana reiterated that this hearing is quasi-judicial in nature; that there was a
13 Quasi-Judicial Sign-In Sheet (see attached) located at the back of the chambers
14 for any interested party to sign in order to be kept abreast of this item.
15 Chairman Hawkins requested the Applicant to come forward and address the
16 Board.

17
18 Stuart Buchanan, Attorney at Law/Applicant Representative with the law firm of
19 Swann & Hadley, 1031 W. Morse Boulevard, Winter Park, Florida, came forward
20 in favor of the proposed Preliminary and Final PUD and Development
21 Agreement. He appeared on behalf of Meritas and Lake Mary Prep. He first
22 handed out two pamphlets containing literature about Meritas, one with a green
23 cover and one with a blue cover (see Final PUD application file). He said that
24 this is going to add an international component to Downtown Lake Mary in that
25 these are kids coming from China that are supposed to get in Ivy League
26 Schools. He stated that they currently have a school in Geneva, Switzerland.
27 He requested the Board compare this proposed dormitory use to a mixed-use
28 development, three stories high, that could go in this C-1 zoning. He mentioned
29 that he has worked in Winter Park for the last 20 years and Rollins is a very
30 valuable component to Winter Park, even though what is proposed here is not a
31 Rollins, what is proposed is not like a normal school program either.

32
33 Chairman Hawkins interjected commenting, this community has dealt with the
34 previous owners of this school in not so good a light. Yes, you are here to make
35 a good product of a student's education and to make a profit, but someday you
36 may sell this school, and when you sell this school, the City is stuck with these
37 plans, so-to-speak. So, yes, your company may be reputable as far as I know
38 and as far as you tell me, but the history with the school hasn't been as
39 enlightened as you might lead us to believe, nor may it be in the future.

40
41 Mr. Buchanan agreed with Chairman Hawkins. He addressed the difference in
42 the number of residents that attend these meetings now as relates to when
43 Meritas didn't own the school. He explained they decided to do a joint PUD of

1 the different properties so they could be inextricably linked together and can only
2 operate as a unified school, otherwise they could have done a PUD just for the
3 junior academy site and then someday sold that and it turn into who knows what.
4 He reassured the Board that it is not Meritas' intent for the students to have cars
5 and promote that they drive; that they don't expect to have radical types of
6 behavior problems because that has just not been their experience at their other
7 schools.

8
9 Bill Spruce, Senior Vice President with Meritas (gave no specific address, but
10 their headquarters is based out of South Florida), came forward in favor of the
11 proposed Preliminary and Final PUD and Development Agreement. He stated
12 that he has been involved in private schools for about 14 years now starting with
13 North Broward Prep. in Broward County. He said that Larry Lombardi is sort of
14 his right-hand guy, a project manager, who has a lot of experience with
15 construction projects over the years, was in the contracting world himself and has
16 worked tirelessly with Lake Mary staff. He commended Lake Mary staff for being
17 so fair. He addressed the traffic issue. He stated that by the end of next year,
18 most of their schools will have a boarding component, not to turn all their schools
19 into boarding schools, but something on the order of maybe 20 percent of the
20 high school population being students outside the area of the school. He said
21 that at North Broward, their high school there has about 570 or 580 students
22 total, and within that population, about 100 of them are international boarding
23 students, and that program has been very well received down there. He stated,
24 in Coral Springs, Florida, about eight miles from that campus, we have an
25 elementary school campus. We recently did almost the same exact thing that we
26 are proposing here at that school. We close the elementary program at that
27 satellite campus, incorporated those students to the main campus, and made a
28 similar proposal to the City of Coral Springs to convert that facility for boarding. It
29 was recently approved by that City Commission unanimously. He said that their
30 main campus is located at Coconut Creek and they have been operating
31 boarding there for a few years now and have got nothing but positive feedback
32 from the City. He introduced the following people seated in the audience who
33 were present with him: Peter Lane, President of Lake Mary, Mike Fernandez,
34 Assistant Headmaster, Donna Montague-Russell, Headmaster, and Pam
35 Whitney, Boarding Coordinator for Lake Mary (all spelled phonetically). He
36 proceeded to give the Board a quick idea of what Meritas is; started as North
37 Broward Prep. in 1957, has strived to create a network of international schools,
38 currently have 11 schools internationally on about 18 campuses, 11th school
39 currently under construction in China due to open in August, have three schools
40 in Florida, other schools are in Texas, Mexico, Arizona, Southern California,
41 Nevada, have about 12,000 students total, half are high schools and the rest are
42 kindergarten through 8th grade, all college prep. based, goal is to get all of their
43 kids into their first choice colleges, big demand at their schools for students from

1 abroad, adds a component to the schools that you just can't get by only
2 educating local students. He stated that this is great for the local students and
3 for the kids coming from abroad within limits; that they have no intention of
4 having a school that is dominated by boarding students; that that is not their goal
5 here. He clarified that the site will be limited to a maximum of 120 students and
6 the students are not allowed to have cars on that campus. He said that they
7 don't bar their high school students generally from driving although they do place
8 parking limitations at the different schools; that they have agreed in the
9 Development Agreement that no boarding student will have a car on the Junior
10 Academy site; that the only need for parking there is really for the adults who live
11 and work with these kids. He stated that all classes are going to take place on
12 the main campus; that this is basically where they are going to live. He said that
13 as far as the recreation area goes, that is really just for the one or two hours a
14 day where they might want to blow off steam when they are not studying; that all
15 of their organized recreational activities will take place on the main campus. He
16 stated that these kids typically do a great job of integrating with our regular
17 student body. They participate in the fine arts, sports, music, band, drama, you
18 name it. He said that he fully expects, over time, that they will fully assimilate
19 with the Lake Mary kids at the school. He stated that the initial phase that was
20 described is a maximum of 28 boarding students, and the addition that they
21 propose, is an additional maximum of 92, for a total of 120. He said that the cap
22 will be 100 total students on the main campus that exist within all the legal
23 documents; that they are not looking to change that, all they are looking to do is
24 create a little bit different mix at the high school. He stated that the onsite
25 benefits of doing the boarding program for our neighbors to the main campus
26 who have issues with traffic is, while this does not change the overall student
27 count, what it does do is change the mix; for every student they add of that 800
28 as a boarding student eliminates basically passenger car traffic at the main
29 campus. He said that when they go to build the second building, the goal is to
30 create the architecture that is consistent with the vision of the City's Downtown
31 Development District, Italianite (phonetic) is how it is described. He stated that
32 as far as the City's onsite angled parking requirement, they intend on doing it on
33 the City's property across the street and can be available to other Lake Mary
34 residents since it doesn't really fit in front of this existing building and for their
35 purposes isn't necessary.

36
37 Member Miller commented, I think someone said earlier that you were trying to
38 decide whether to put in a swimming pool or a two-story building. That seems a
39 strange kind of decision to make.

40
41 Mr. Spruce said, well, the original development plan for the school's main
42 campus shows a swimming pool. I don't know if or when the school is ever going
43 to want to have a swimming program at the school, and because we are sort of

1 creating a PUD now for the two sites combined, we figured we probably need to
2 come up with a master plan from here on out. So, the idea is to create an
3 envelope behind the existing academic building and say this is the part of the
4 campus that could be developed in the future, whether it is a pool or an academic
5 building really would be dictated in the future by the program development of the
6 school.

7
8 Mr. Buchanan puts a portion of the original engineering plans that were
9 submitted with the original development of the main campus on the overhead
10 projector and indicates the location of the pool.

11
12 Mr. Spruce stated, you can see the size of it. I mean, that is an olympic-sized
13 pool with a diving well, something that you would see at the Swimming Hall of
14 Fame in Ft. Lauderdale, something like that. The original owners of Lake Mary
15 Prep. envisioned that that was something they may want to do in the future. That
16 is a pretty lofty thing to put in and I am not sure that Mr. Lane and Ms. Russell
17 believe that that is something they believe is important to the school or not. So, if
18 they decide that a swimming program is a big deal, then that is probably the way
19 they are going to want to spend their capital dollars at that campus. We do give
20 each of the schools quite a bit of input and flexibility in terms of how they spend
21 the capital money and how they improve the school. And, every one of our
22 schools has its own culture and identity and its own sort of programs that it
23 stresses. Some schools of ours focus more on fine arts. Some have more of an
24 athletic bend. Some just a sort of generic combination of all of the above. If, in
25 the future, they decide that a pool is the best thing for the school, then I would
26 like them to have the flexibility to do that. If they think a swimming program really
27 isn't right for them but they want to put in six more science labs, state of the art
28 collegiate science labs, biology labs, chemistry, et cetera, then I would...

29
30 **TAPE 2, SIDE A**

31
32 Mr. Buchanan said, what we decided was – this is really about the Junior
33 Academy, but the suggestion was made as we were talking about that that if you
34 have anything that you think you might want to be doing at any point in the future
35 on the main campus, now is the time to do it so you don't have to burden these
36 poor P & Z members again. And, so, this just gave us basically – and that is the
37 only place left on the campus that doesn't already have something on it. So, that
38 would be it.

39
40 Mr. Spruce stated, and, again, regardless of what we do on the main campus, it
41 is not going to change the commitment to keep the cap on the number of
42 students in place as it existed. So, it would all be about program enhancement
43 and which way they want the program to develop.

1 Chairman Hawkins expressed his concern regarding the words in the
2 Development Agreement on page 3 under (1) Dormitory Site Use where it says
3 that dormitory students shall not be allowed to park automobiles on the dormitory
4 site. He questioned Mr. Spruce, I thought that you said that dormitory students
5 weren't allowed to have cars?
6

7 Mr. Spruce responded, that's correct. Unfortunately, I mean, it is not illegal for
8 students or families to buy cars for their kids, but I don't have to let them park on
9 campus. So, if a student has a car and they want to maintain a car – I mean,
10 quite frankly, if some wealthy parent decides to buy a house in the neighborhood
11 and put a live-in servant and they keep a car, I can't stop them from doing that.
12 Now, that would be a very unusual circumstance, and every once in awhile we do
13 have an extenuating circumstance where there is a reason for a student to have
14 a car; you know, maybe they are going to take classes at the local college or
15 what have you and it is not something where we can easily accommodate them
16 as a school. They still would not be allowed to keep a car on this site. I mean,
17 obviously, this is a small site, it has limited parking as it is, so one of the things
18 we agreed to with staff is that no student will be allowed to maintain a car on the
19 site.
20

21 Alternate Schofield asked, so, if they are not allowed to maintain a car on the
22 site, where would they maintain it?
23

24 Mr. Spruce replied, I don't know.
25

26 Alternate Schofield questioned, would it be unreasonable to think that they would
27 maintain it in the 10-15 spaces being built across the street?
28

29 Mr. Spruce answered, we can also put that in the Development Agreement too;
30 that they are not allowed to park on – yeah.
31

32 Alternate Schofield asked, well, not just there. I guess my point is would it be
33 unreasonable to think that they would just fill up parking spots around the site?
34

35 Mr. Buchanan suggested to add a condition saying they couldn't park within so
36 much radius of the campus.
37

38 Alternate Schofield responded, even then wouldn't it be – wouldn't one consider
39 that it might be taxing the local businesses and their parking spots for.....
40

41 Mr. Spruce replied, well, I guess you have that issue now. I mean, how do you
42 prevent anybody from parking in spaces where people are legally allowed to
43 park? If they are parked legally, they are parked legally.

1 Alternate Schofield answered, absolutely. But, we are talking about building a
2 facility that has a potential to house 120 people, and if we just say 30 percent of
3 them have cars, you are talking about 40 more cars in the Downtown area; high
4 density.

5
6 Chairman Hawkins commented, we are talking essentially an apartment complex
7 here. I mean, you can call it a dormitory. You can call it whatever you want.

8
9 Mr. Spruce questioned, but how do we legally put in a developer's agreement
10 that says they can't own a car? I mean, you can't say that.

11
12 Chairman Hawkins responded, when they come to school at this school and they
13 live in the dormitory, they can't have a car.

14
15 Mr. Spruce asked, as part of the contract?

16
17 Chairman Hawkins replied, as part of the contract and as part of the Code of
18 Conduct. However you want to do it.

19
20 Vice Chairman Taylor questioned, is there any way you can make it part of your
21 agreement that these students will not have automobiles?

22
23 Mr. Spruce asked, well, what if we said that they are not allowed to park
24 automobiles on the dormitory site and may only maintain a car, if allowed, on the
25 main campus? I mean, we can't allow all of our – even all of our high school kids
26 we have now they have cars -- because we don't have parking for them either.
27 But we don't have a rule that says they can't have a car. It is based on a first-
28 come, first-serve basis. I can't anticipate every scenario, but if three or four
29 years down the road I have a student that needs a car because he is going to
30 attend some graduate-level program at the University of Central Florida, I have
31 now got to figure out how to get him back and forth. I understand – and I'm fine
32 with not allowing cars to be parked on the site. I just don't know how to address
33 your issue.

34
35 Vice Chairman Taylor responded, I think we would prefer the site be developed
36 that cars could only be parked on the site.

37
38 Discussion ensued regarding this issue of students having or not having cars and
39 parking on campus.

40
41 Vice Chairman Taylor questioned Mr. Spruce, would you be able to – if the
42 general rule is – put in your contract that students are not allowed to have cars

1 without prior approval by you and you would agree not to allow anymore cars
2 than you have parking for at that dormitory site?

3
4 Mr. Spruce replied, sold. Just like you said. If somebody could write that down.
5 I am not looking to take up any parking other than what we have on our
6 campuses. I think we would all agree that that is the goal. And, if through Code
7 Enforcement you find that some student was parking his car someplace other
8 than on our grounds, that would become a PUD issue at that point, and I have no
9 problem with that.

10
11 Vice Chairman Taylor asked Mr. Spruce, so you would accept responsibility?

12
13 Mr. Spruce answered, yes, because I have the ultimate hand in this. I can send
14 them home.

15
16 Alternate Schofield questioned Mr. Spruce, how do you account for international
17 students having cars right now? Is there, like, a decal system? How are these
18 cars identified?

19
20 Mr. Spruce responded, we actually don't have any right now that have cars.

21
22 Member Miller asked Mr. Spruce, is the curriculum for this campus in any way
23 integrated or affiliated with the Windermere campus?

24
25 Mr. Spruce answered negatively.

26
27 Alternate Schofield questioned Mr. Spruce, do you know what the current
28 enrollment is for grades 9 through 12 right now?

29
30 Mr. Spruce replied, it's about 200 right now.

31
32 Alternate Schofield asked Mr. Spruce, so, at the main campus, at most, there
33 would be 280 plus the 120 at the dormitory site, potentially, not to exceed 400 in
34 total for the two?

35
36 Mr. Spruce answered, that's correct. He further elaborated on the background
37 concerning the decisions to close the Junior Academy site. He emphasized that
38 this whole thing is just part of one general concept of improving the academic
39 program and being consistent with how we provide the program.

40
41 Alternate Schofield questioned Mr. Spruce, so, in essence, let's say for
42 argument's sake there are 350 9 through 12 students right now, as the

1 dormitories grow, it would actually take away spots from local people because of
2 that cap at 400 students?

3
4 Mr. Spruce responded, It could; sure. It could, yeah, but it is our goal really, for
5 the most part, to never have more than 20 to 25 percent of our high school
6 population be boarding students, international students. We try to create a mix,
7 and the families of the international students don't particularly like us boarding –
8 for example, a Chinese family is not always crazy about us boarding their child
9 with another Chinese family because they don't feel like they are getting the
10 cultural exposure at that point. They are also very conscious of getting the
11 cultural exposure. So, we try to maintain a balance between American and
12 international kids.

13
14 Alternate Schofield commented, I can certainly appreciate that. I spent well over
15 15 years with the University of Central Florida Housing Department. So, I can
16 understand that fully.

17
18 Chairman Hawkins asked Mr. Spruce if it was anticipated the recreational area
19 will be lit or will be fenced in for use by their own students.

20
21 Mr. Spruce replied that the recreational area will definitely not be lit, and they
22 don't have any intention on fencing it in right now; that they have actually been
23 talking to Nick Pope about putting a time restriction, cut-off, at a certain time of
24 night, but they have no intention of lighting it; that they will probably end up
25 having that as part of the Development Agreement. He clarified that this rec.
26 area is really just like having a back yard. This isn't where they are going to be
27 playing soccer games; that that is going to take place on the main campus.
28 There will be no attractive nuisance. He said that they will end up modifying the
29 Development Agreement to deal with the lighting, the use issues and things like
30 that.

31
32 Member Miller questioned, what is your tuition for international students?

33
34 Mr. Spruce answered, including boarding, I think the advertised total is, I want to
35 say, \$39,000 per year for room and board and tuition.

36
37 Mr. Buchanan stated that two dormitory supervisors will also be housed at the
38 renovated existing building located on the dormitory site, and the addition will
39 require somewhere between two to five living in the new building, plus they might
40 hire a security guard. He requested some flexibility in that regard to be able to
41 park a student or two on the main campus, if needed.

42

1 Chairman Hawkins commented, they can always pave over a part of the
2 recreation area for more parking.

3
4 Mr. Buchanan discussed how the number of rooms in the buildings became
5 problematic because staff was asking for a cap on the number of people in the
6 rooms, but then everybody went back to the table in negotiating this and came up
7 with the 120 cap for the whole site; 28 in the existing building and 92 in the
8 addition. He said there is some reference in the Staff Report to rooms, but when
9 this item goes to the City Commission, they will request that it just be the number
10 of bodies. He stated that this is all you see in the Development Agreement
11 because they know what the configuration is going to be on the Junior Academy,
12 the existing site. They have a floor plan that is currently being reviewed by the
13 City's Building Department, but they don't have anything on the addition.

14
15 Mr. Spruce said, well, then, you have to hear the definition of what is a room. I
16 think the better way is just to say that it is capped at a certain number of
17 students, and then, of course, the Building Department will have to approve the
18 designs and the layout and make sure there are adequate restroom facilities and
19 all that sort of thing.

20
21 Alternate Schofield commented, the University counts bed spaces.

22
23 Mr. Spruce stated, that's fine, too. We could say 120 bed spaces, and then it
24 could be any type of configuration within the envelope of the building.

25
26 Mr. Buchanan informed the Board that they had a community meeting last
27 Thursday night at the Junior Academy and nobody from the neighborhood
28 surrounding the main campus showed up at all, but there was about six or seven
29 people who showed up from the neighborhood surrounding the Junior Academy,
30 and besides Suzanne Pope who is present tonight, Mr. Buchanan didn't see
31 anybody else present tonight who was at the community meeting. He said that
32 his sense is they were all pretty comfortable with what was going on; that one
33 person was very supportive of it and didn't know how anybody could be against
34 this. He stated that a couple of them owned houses, and there were several
35 elderly people back on East Lake Mary who lived across the street, and when
36 they found out they weren't doing anything back there, they were very happy and
37 went ahead and went home. He said, the other people who lived on Second and
38 Wilbur, my sense is that they were happy to see this project once they
39 understood what it was about because they are ready to see some stuff get
40 going towards the City's long-term vision.

41
42 Mr. Buchanan proceeded to discuss Mr. Pope's family's concern with the
43 alignment of their driveway at their duplex properties. He put a colored

1 document on the overhead depicting a driveway with nearby trees and shrubbery
2 and explained that what they are going to try and do is cut a corner so the lights
3 of cars don't shine in these units, and they are going to put a five-foot berm here
4 (indicating to overhead) with a vegetative barrier on top. He stated, we are going
5 to put some sort of fencing and berm system in this area, but we have to work
6 out the details of what we can put in this alleyway because there are utilities and
7 things in there, but our commitment is to buffer this area here (indicating) and
8 limit the recreation. Probably what you would see on the next generation of this
9 site plan is this potential retention pond -- which Meritas really doesn't want a
10 retention pond at all, but in an abundance of caution, it obviously should show
11 something -- is you will probably see this retention pond moved over to here
12 (indicating to overhead), sort of more linear, and then the play area -- or the
13 recreation area would be limited to here (indicating to overhead). And, I think -- I
14 don't have the dimensions on these three. I apologize. I should. But, I think this
15 is only, like, 100' x 100'. So, this isn't like your normal high school football
16 stadium. It is going to be pretty small.

17
18 Mr. Schindler clarified, saying, the lots are generally 33' wide by 116' deep.

19
20 Mr. Buchanan said, so, you really couldn't have a soccer field or -- you know, it
21 would just be a little area.

22
23 Mr. Spruce clarified, saying, actually, it would be about 99' x 116'.

24
25 Mr. Buchanan stated, but 16 has nothing on it. It is just covered with a berm and
26 buffering. It would be limited to these two right in here, I think (indicating to
27 overhead).

28
29 Chairman Hawkins asked Mr. Schindler, what buffer would they be required to
30 have surrounding this site?

31
32 Mr. Schindler responded, there are Downtown Buffer Standards. The A, B, C
33 buffers do not apply because it is in the Downtown.

34
35 Chairman Hawkins expressed his concern of car lights shining on the Pope's
36 duplexes when cars are parked at an angle (indicating to overhead).

37
38 Mr. Buchanan assured Chairman Hawkins that he thought the Pope's are
39 comfortable with the buffer that is currently in place, because in order to upgrade,
40 all the stuff that is currently in place will need to be removed.

41
42 Mr. Spruce clarified, saying, I don't think that was the major area of concern. He
43 indicated to the overhead another area.

1 Chairman Hawkins commented, because there is no buffer right there (indicating
2 to overhead).

3
4 Mr. Spruce said, that is correct. What we are proposing is to put in, in some
5 design, a five-foot landscape berm that runs this whole L shape, the full length of
6 the property there (indicating to overhead) and around this corner here
7 (indicating to overhead).

8
9 Mr. Buchanan stated, I think this area right here (indicating to overhead) is
10 looking out over the retention pond and currently sits about right here. I think this
11 is probably looking back at Lots 14 and 15. He said they were totally open to
12 buffering, trees, hedges, berms, but that buffering currently in place seems pretty
13 heavy to him; that he has never represented anybody who has put in a buffer like
14 that.

15
16 Mr. Spruce stated that he was fine with what Mr. Nick Pope and he discussed
17 earlier and he could address it himself when he comes up to the podium later in
18 the hearing. He indicated that they certainly didn't want to have a problem with
19 the neighbors and want to come up with something that makes everybody happy.

20
21 It was a consensus to further discuss this with Mr. Nick Pope when he comes to
22 the podium later to speak (see below).

23
24 Mr. Schindler announced that staff sent out notices to everyone that live within
25 300 feet of all three properties detailing tonight's public hearing and the
26 anticipated City Commission meetings.

27
28 Jan Jernigan, 501 Mourning Dove Circle, Lake Mary, Florida 32746, came
29 forward in favor of the proposed Preliminary PUD, Final PUD and Development
30 Agreement for the Lake Mary Preparatory School. She is representative of the
31 PTA from the school. She said that she has a granddaughter who has been a
32 student at Lake Mary Prep. since the very first day it ever opened; that it was a
33 good school for what it was, but it was not a prep. school, but ever since Meritas
34 has come in and made some marvelous changes greatly improving the curriculum
35 that the children have. She expressed that she was in favor of international
36 students coming in. She feels that Meritas wants the children to succeed; that the
37 staff is educators as well as motivators. Ms. Jernigan was a prior Commissioner
38 and she stated that she was involved in the Downtown development; that this
39 project meets code and would fill an empty building to help things happen in the
40 Downtown. She said that Meritas wants to be a good neighbor and a good part of
41 this community; that education is important and the City should host this. She
42 expressed that she feels really positive about this and felt she could speak for

1 others in the community who have students at Lake Mary Prep. that they too are
2 impressed with what Meritas has brought to this school.

3
4 Alternate Schofield expressed that he did not get a notice for this meeting; that he
5 lives in the Reserve at Lake Mary, about six houses from the Lake Mary Prep.
6 property.

7
8 Mr. Schindler assured Alternate Schofield that he will certainly see that he gets
9 notice in the future, but that staff sent out about 90 notices a week ago last Friday.

10
11 Member Cartmill questioned Mr. Spruce, what is the normal ratio for your other
12 boarding schools as far as supervisor to students and what is your anticipated ratio
13 for this?

14 Mr. Spruce replied, it depends on the type of boarding house and how it lays out.
15 Generally, we try to keep it around 1-25 in terms of living there.

16
17 Vice Chairman Taylor asked Mr. Spruce, do you think you will have sufficient
18 parking onsite for people who will work here?

19
20 Mr. Spruce answered, I think we do right now based on our plans, but, obviously, if
21 the program changes, we are going to have to revisit the parking issue. I don't
22 anticipate that happening, but it is possible. Maybe there is 12 to 15 spaces after
23 we do the addition not counting the 10 across the street. I am guessing it is going
24 to be more than adequate.

25
26 Chairman Hawkins opened the hearing to public comment.

27
28 Nick Pope, Attorney with Lowndes, Drosdick, Doster, Kantor & Reed, 215 N. Eola
29 Drive, Orlando, Florida, came forward. He stated that he was present on behalf of
30 his father, Albert Pope, who owns Lots 9 through 15, which are immediately
31 adjacent and to the north of the proposed development. He is a real estate and
32 land use lawyer. He was concerned primarily with compatibility, but also has
33 concerns of noise, buffers, setbacks, lights, parking, traffic, hours of operation and
34 things of that nature, all of which have been addressed with Meritas and Meritas
35 has agreed, in principal, to solutions, but wanted assurance that in the future these
36 continue should the property be sold. He has requested that Meritas put certain of
37 the protections they have discussed in a private agreement that they would be
38 entitled to enforce separate and apart from the zoning, but it is not to say they
39 should not be put in the Development Agreement as well. He said that he is
40 currently reviewing the Development Agreement and intends to propose some
41 redline changes that will tighten up some of the language that is in it in terms of
42 some of the representations that the Board has heard tonight and some that have
43 been made to them before the hearing.

1 Mr. Pope spoke to the driveway configuration concern. He suggested to gently
2 curve it to eliminate the prospect of the lights being in the backyard of the
3 residential units that are behind it and would make the traffic pattern work better.
4

5 Mr. Pope addressed the recreation area. He stated that he has asked Meritas to
6 assure him in writing that it will remain as it is proposed; that there will be hours of
7 operation from 8:00 a.m. to the earlier of dusk, or 7:30 p.m.
8

9 **TAPE 2, SIDE B**

10
11 Mr. Pope addressed the retention pond, as well as to put in a five-foot berm with a
12 landscaped buffer on the top of it while the tape was changing sides.

13 Mr. Pope said, another issue that we have is that this area right there (indicating to
14 overhead), since it is in the right of way, is concern that they should not put a berm
15 there. Again, if they moved the road to the south, it would seem to me that that is a
16 reasonable use. Perhaps that portion of the alley should be vacated.
17

18 Mr. Pope addressed lighting issues. He stated that there should be no lights on the
19 recreation area, which will have a limiting impact in terms of the hours in which it is
20 used in any event. He said that lighting on the edge of the driveway should be low
21 and not splash on the adjacent residences, and security lighting that relates to the
22 proposed two-story building, again, should be shielded from the adjacent
23 properties. He stated that Meritas has agreed to all of this.
24

25 Mr. Pope addressed the issue in terms of the number of students versus the
26 number of rooms. He said, while that is not any particular issue for me or for my
27 family, you could do both; say no more than X number of rooms or this many
28 students so you have it covered both ways.
29

30 Mr. Pope then addressed an issue with rodents coming from the dumpster that the
31 prior owner maintained at the rear of the subject property line that was not brought
32 up with the Applicant originally. He requested that some consideration be given to
33 where that is located; that he was sure this could be addressed.
34

35 Mr. Pope reiterated that their primary concern is compatibility with what is going
36 on adjacent to it, not that this is a bad proposal; appropriate buffers, if they aren't
37 going to be able to install a berm, then they would like to see a wall installed. He
38 stated, as regards the parking only on campus, that if they are, in fact, wealthy
39 kids, they will find a way to get to a car. He said that when he was a freshman in
40 college, they weren't allowed to own cars either, but they had cars, but there may
41 be more enforcement powers nowadays than back in his day.
42

1 Mr. Pope stated that as far as the concept of blowing off steam late at night is not
2 one that is particularly appealing, but hours of operation should resolve that.

3
4 Mr. Pope also informed staff and the Board that his sister told him that they did
5 receive a notice for the neighborhood meeting but did not get a notice either of
6 tonight's hearing; that they did not, per se, object to this either, but hoped that for
7 the City Commission meeting staff will ensure that notices are sent out in time.

8
9 Member Miller questioned Mr. Pope the current occupancy rate in the duplexes.

10
11 Mr. Pope responded, I think five out of six are occupied.

12
13 Member Napier asked, do you or any of your family live in these?

14 Mr. Pope replied, we do not, but you are going to hear from a resident in just a
15 minute.

16
17 Member Miller commented to Mr. Pope that his family might have a higher
18 occupancy rate in their duplexes as a result of this project coming to fruition
19 because if he was a wealthy parent, he would try to put his bodyguard in one of
20 the units.

21
22 Mr. Pope said, I've thought about that. I think we want to be sure we don't rent to
23 the students themselves, having been fresh from the experience that I mentioned
24 to you.

25
26 Member Napier commented, well, when someone owns a jet, it might not be a
27 bad rental.

28
29 Mr. Pope stated, might not be. That is a positive side to this. On the other hand,
30 for the average person, if they ask, who is your neighbor, and it's 120 students,
31 you are going to have to calm them down a bit. So, that is the basis for our
32 concern.

33
34 Mr. Schindler requested Mr. Pope confirm from his mailing list from around the
35 Junior Academy and the Lake Mary Avenue properties, total of about 45, the
36 mailing address where the Pope's notice was sent to.

37
38 Mr. Pope confirmed that that was an accurate address, but it didn't mean that a
39 notice arrived however.

40
41 Jay Goldberger, 129 E. Lake Mary Avenue, Lake Mary, Florida 32746, came
42 forward and addressed the Board in opposition to the proposed Preliminary PUD,
43 Final PUD and Development Agreement. He lives in one of the duplexes that are

1 behind the subject property. He had problems with the recreation area not being
2 fenced, the noise factor, the trash in and around the area, parking and visitor
3 parking, and the increased traffic.
4

5 JoAnn Counelius, 136 E. Alma Avenue, Lake Mary, Florida 32746, came forward
6 not specifically stating whether she was for or against this, but expressed that we
7 need the commuter rail as soon as possible.
8

9 Hearing no further public comment, Chairman Hawkins closed that portion and
10 entertained board discussion and/or a motion.
11

12 Chairman Hawkins commented that he would like the recreation area fenced in.
13

14 Member Miller commented, there will be a five-foot berm. You've got the Berlin
15 Wall if you put a fence on top of that.
16

17 Mr. Schindler said, if it is your desire that it be fenced – if it is the desire of the
18 Planning and Zoning Board, you need to be specific about what it is you are
19 wanting.
20

21 Member Miller announced that he intended on abstaining from voting on this
22 matter as a result of what ultimately happened to the portables at the main
23 campus and since he was a part of that negotiation, but he expressed that he
24 was in favor of this.
25

26 Member Cartmill requested Mr. Spruce to elaborate on schedules, curfews, lights
27 out, what is planned for this school and what has been done at other schools and
28 students hanging out back at night.
29

30 Mr. Spruce explained that dinner is typically 6:30 p.m. - 7:30 p.m.; that there is
31 not going to be a commercial kitchen at the subject dormitory property to
32 contribute to the trash issue, the kids will take their meals at the main campus;
33 that as far as curfew goes, there is mandatory prep. time of two hours after
34 dinner till about 9:30 p.m., and then the kids are free for about an hour, and
35 typically they have to be in their rooms by 10:30 p.m. with 11 o'clock p.m. lights
36 out.
37

38 Member Cartmill questioned, for that hour, are they required to stay at the dorm?
39

40 Mr. Spruce answered, not necessarily, but if they leave the dorm, they have to
41 sign out with the headmaster and sign back in. We also issue cell phones to all
42 of the boarding kids. If for any reason we can't get a hold of a student not
43 immediately within site of a housemaster, it's grounds for expulsion.

1 Vice Chairman Taylor asked, are they required to eat meals at the main campus?
2

3 Mr. Spruce answered affirmatively.
4

5 Chairman Hawkins commented, well, personally, I just feel strong about having a
6 six-foot black vinyl chain-link fence around the recreational area (in trying to meet
7 concerns of Mr. Pope and Mr. Goldberger).
8

9 Member Napier commented that he would rather not see a fence go up.
10

11 Vice Chairman Taylor suggested it be fenced on the north side and the west side
12 where there isn't a berm.
13

14 Chairman Hawkins okayed that.
15

16 Alternate Schofield expressed concern about visitor parking that was brought up
17 by Mr. Goldberger.
18

19 Mr. Spruce stated, frankly, I'm not sure how to address it. I mean, there will be
20 occasional visitors, I'm sure, to the site. As you heard, based on their schedule,
21 there is limited time during the week especially where that could be the case. If
22 somebody were to show up to visit a student, they would have to have
23 permission of the housemasters to come into the dorm in the first place. As far
24 as parking goes, if there wasn't an available spot – you know, I don't know. I
25 mean, how does that normally work with any apartment, house, business? You
26 know, I'm not sure, and I'm not sure how I, as the property owner, could deal with
27 that. I can only deal with what is on the site.
28

29 Vice Chairman Taylor suggested the approved cars somehow be decaled so law
30 enforcement can recognize them.
31

32 Mr. Buchanan and Mr. Spruce so agreed to that suggestion.
33

34 Jan Jernigan further commented that she would really rather not see a fence go
35 up either.
36

37 **MOTION:**
38

39 **Vice Chairman Taylor moved to recommend approval to the Mayor and City**
40 **Commission the request by Lake Mary Real Estate, LLC/Larry Lombardi**
41 **regarding a Preliminary PUD, a Final PUD and Development Agreement for**
42 **the Lake Mary Preparatory School, 650 Rantoul Lane, and the Junior**
43 **Academy, 140 E. Wilbur Avenue and 143 E. Lake Mary Avenue, Lake Mary,**
Florida, consistent with staff's Findings of Fact listed in the Staff Report and

1 subject to the following two conditions. Member Napier seconded the
2 motion. Member Miller abstained from voting on the motion (see attached
3 Form 8B). The motion carried unanimously 4-0.
4

5 **CONDITIONS:**
6

- 7 1. Planning and Zoning Board recommends to add the following language to
8 the Development Agreement under 2.16 (1), Dormitory Site Use:
9 Dormitory students will be prohibited from having personal automobiles
10 as a condition of admission to the school. Any request for waivers of this
11 prohibition must be approved by the owner. All approved vehicles will be
12 provided a decal to identify them as approved vehicles from the school.
13 The approval of automobile waivers for dorm students will not exceed the
14 number of parking spaces available at the school sites. Lake Mary
15 Preparatory agrees that any student parking in violation of this Agreement
16 will be a code violation against the school and could subject them to a
17 review of the PUD; that this part will be pending review by the City
18 Attorney.
19 2. Planning and Zoning Board also recommends that the recreation area not
20 be lit, and the hours of operation for the recreation area be 8:00 a.m. to
21 dusk, or 7:30, whichever is earlier.
22

23 Mr. Omana announced that this item will move forward to the City Commission's
24 May cycle; that staff will contact the Applicant on confirmation of time and date.
25

26 VIII. Community Development Director's Report

27 Juan (John) A. Omana, Jr., Community Development Director, invited the Board to
28 attend a workshop/kickoff meeting on April 16, 2009, at 5:00 p.m., concerning
29 Transit Oriented Development (TOD) with the City's consultant. He put a colored
30 Future Land Use map on the overhead projector and explained what the City
31 Commission previously authorized earlier this year to include a contract for the
32 Consultant to pursue the study and development of the Master Plan for the TOD
33 area. He said that as far as the SunRail front, staff has been quite busy in dealing
34 with FDOT on a number of access issues relative to the commuter rail station and
35 also introducing them to the Manji and Mahnken properties since all of this involves
36 coordinating with the Federal Government and the railway transit standards. He
37 stated, so, we have been pretty much occupied with trying to make this thing a
38 reality. At this point, we are waiting to see where the Legislature goes with this as
39 far as the indemnification issues and so forth.

40

1 Mr. Omana further reported on City Commission actions taken at their April 2, 2009,
2 meeting.

3 Member Cartmill asked Mr. Omana, are the commercial properties that surround –
4 or that are in this district, are they eligible for funding from the State for
5 redeveloping this area, or is this just something that is City related?

6 Mr. Omana responded, this is City related. The only eligible funding in the last
7 maybe 10 to 12 years that was available to this area would have been CDBG
8 Funding, somewhere like in this area (indicating to colored FLU map on overhead)
9 and we did some sewer work there, but now we no longer qualify for that criteria or
10 that program. But, certainly, with all the stimulus stuff going on, we are keeping our
11 ears open. So, we will certainly keep an eye on that.

12 IX. Other Business

13 None

14 X. Reports of Other Members

15 None

16
17 XI. Adjournment

18 The meeting was adjourned at 8:55 p.m.
19
20
21
22

23
24 _____
25 Dr. Robert Hawkins, Chairman Diana T. Adams, Administrative
26 Secretary