

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, PLANNING AND ZONING**
2 **BOARD MEETING HELD APRIL 27, 2010, 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 Member Sidney Miller
14 Member J.B. Cartmill, II
15 Member Mike Napier
16 Alternate Joe Schofield

17
18 Vice Chairman Colleen Taylor was absent.

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

23
24 Also present who spoke were Sherry Clark.

25
26 V. Approval of Planning and Zoning Board Minutes - April 13, 2010

27
28 **MOTION:**

29
30 **Member Miller moved to approve the Minutes of the Planning and Zoning**
31 **Board meeting of April 13, 2010, as presented. Member Cartmill seconded**
32 **the motion. Vice Chairman Taylor was absent. The motion carried**
33 **unanimously 5-0.**

34
35 VI. Old Business

1 None

2
3 VII. New Business

4
5 A. 2010-VA-01: Recommendation to the Mayor and City Commission for two
6 variances from the Resource Protection Standards, § 160.07 (A) and 160.07 (B)
7 (2) (b), City Code of Ordinances, to construct a swimming pool and screen
8 enclosure, 138 Wagon Wheel Way, Lake Mary, Florida; Applicant: Sherry Clark

9
10 Steve Noto, Planner, presented Item A. and the related Staff Report. Gary
11 Schindler, City Planner, was holding up the Location Map attached to the Staff
12 Report since the overhead projector was not working. He stated the location of
13 the subject property, to the west of South Country Club and within the cul-de-sac
14 of Wagon Wheel Way. Next Mr. Schindler held up a colored-in survey that is
15 also attached to the Staff Report. Mr. Noto said that this colored-in survey shows
16 the 25-foot buffer and the 75-foot environmental setback.

17
18 Mr. Noto then gave some history regarding the subject property. He stated that it
19 is a part of the Countryside Subdivision, which was platted in 1975, and the
20 home was built in 1977, a number of years before Chapter 160 was put into
21 effect. He said that Ms. Clark wishes to construct a pool and screen room at the
22 rear of the subject property. He stated, as has happened in the past with prior
23 variances, part of the construction does encroach into the 100-year floodplain.
24 So, there should be an area on one of the attachments that shows the
25 compensating storage area that is to the north of the property, I believe, just a bit
26 east of the driveway (Mr. Schindler holding up aerial that is attached to the Staff
27 Report).

28
29 Mr. Noto said, the more unique part of this property is that at the northeast
30 corner, or the northeast section and going south a little more east, Soldiers Creek
31 runs through the property. That is something we took very seriously when we
32 researched these variances and that is why you see a few extra conditions under
33 the seven Findings of Fact because we wanted to make sure that we protected
34 the area as best we could. Specifically, Conditions 2., 4. and 5. are the three that
35 we typically don't include in 160 variances.

36
37 Mr. Noto proceeded to read aloud/explain these three conditions, as follows:

- 38
39 2. During construction, the City shall inspect the hydrostatic valve well points
40 prior to backfilling with gravel as shown on the Hydrostatic Relief Valve
41 supplement dated March 19, 2010.
42

1 Mr. Noto explained, as far as Condition No. 2, what the hydrostatic valve does is
2 -- since the pool will be below ground water level, if the pool is to be emptied and
3 the ground water level rose and there were no valves, the pool could actually rise
4 up out of the ground. So, by installing these valves it gives a relief point for the
5 water to come into the pool and it will keep it safely in the ground.
6

- 7 4. Prior to construction, the contractor shall install a silt fence or turbidity barrier
8 to protect surrounding areas.
9

10 Mr. Noto explained, as far as Condition No. 4., the Board can see on its colored-
11 in attachment there is a wetland line that follows roughly parallel the 100-year
12 flood line area. We want that area protected as much as possible. So, during
13 construction, we are going to have the contractor install a silt fence or turbidity
14 barrier, have it inspected by staff to make sure that when construction does
15 commence, that any debris or anything stays away from the wetlands area and
16 subsequently Soldiers Creek.
17

- 18 5. Due to the location of Soldiers Creek in relation to the property, prior to the
19 issuance of the Certificate of Completion, the Applicant shall deliver to the
20 City a conservation easement encumbering the area from the wetlands line,
21 as shown on the survey, waterward (due east) in order to further protect the
22 area.
23

24 Mr. Noto explained, as far as Condition No. 5, the most important one, that will
25 ensure that that area continues to be protected even after the pool is
26 constructed.
27

28 Mr. Noto stated, this item -- just building on the extra items that we took into
29 consideration -- was reviewed by Brian Bates, P.E., Storm Water Engineer in
30 Public Works. He is the one who actually put into effect the hydrostatic valve
31 condition. And, it was also reviewed by Tom Connelly, and what Tom wanted us
32 to understand was that, even with the building of this pool, the historical drainage
33 pattern of Soldiers Creek would not be disturbed. So, even with the silt fence
34 and with the pool eventually, possibly being in place, Soldiers Creek will continue
35 to flow as it has been flowing for many years.
36

37 Mr. Noto said, one other item that we took into consideration was getting the pool
38 constructed as far as equipment goes. He requested Mr. Schindler hold up
39 another aerial from Bing Maps through MSN. He stated, you can see how
40 wooded the area is, and what we wanted to get across on this is that the
41 contractor is going to have a pretty small area to work in, but I spoke to him this
42 afternoon and he is open to anything that will work as far as getting his
43 equipment on the property. And, our point there is that we want to make sure

1 that he doesn't destroy or disturb any of the wetlands areas or Soldiers Creek
2 areas that are on the east side of the property. So, we may be looking at a
3 western entrance or possibly using Leslie Lane via the right-of-way permit
4 process so that way we can avoid any potential issues.
5

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

12 Mr. Schindler said, Mr. Noto, would you please – this property is unusual in that
13 -- the relationship of where the wetlands and environmentally-sensitive areas are
14 located. He requested that Mr. Noto elaborate a little bit about that in that it is not
15 behind the house.
16

17 Mr. Noto stated, right. The wetlands area runs along the eastern – well, it runs
18 parallel with the eastern property line of the house. If you look on your colored-in
19 exhibit, you can see that the 100-year flood line and the wetlands line do a bit of
20 a tango, if you will. They run parallel and then they flip-flop which one is more
21 landward and then vice-versa.
22

23 Mr. Schindler asked, in relationship to the cul-de-sac?
24

25 Mr. Noto answered, right. Yes.
26

27 Mr. Schindler said, between the cul-de-sac and the house, which is very unusual.
28

29 Mr. Noto concurred. He stated, so, needless to say, we took a lot into
30 consideration in this variance as it pertains to the environmentally-sensitive areas
31 on the eastern side there (indicating). He concluded his presentation by saying,
32 nevertheless, the request does meet all the Findings of Fact and staff does
33 recommend approval with the five conditions that are outlined in the Staff Report.
34

35 Mr. Omana requested Mr. Noto elaborate on the record the procedure for the
36 pre-construction conference.
37

38 Mr. Noto stated, if this item were to be eventually approved by the Mayor and
39 City Commission, we were also going to have the contractor do a pre-
40 construction conference with us. We typically do that for larger construction
41 projects, residential, subdivisions or commercial properties. But, again, just to
42 make sure that we are all on the same page and as much of the property doesn't
43 get disturbed as a part of the construction process, we are going to ask him to

1 come in for a pre-con meeting prior to starting any work, and that will include the
2 inspection of the silt fencing.

3 Chairman Hawkins questioned, so, where is the contractor going to come in and
4 out again?

5
6 Mr. Noto responded, we are going to talk to him about that. I can tell you where
7 we're not going to want him to enter and that is on the eastern side of the
8 property, which would be, when you are looking down on the aerial, the right side
9 of the page (indicating). We are not going to want him to do that because of the
10 environmental area there. We will look for him to either go along the left side,
11 when looking at the property, or coming off of Leslie Lane.

12
13 Chairman Hawkins questioned if Leslie Lane was paved.

14
15 Mr. Schindler replied, yes, it is.

16
17 Chairman Hawkins asked, is there a fence across the back?

18
19 Mr. Noto answered, yes. And, we'll discuss either potentially getting around the
20 fence or removing a part of the fence if Leslie Lane is going to be the option.

21
22 Ms. Clark, from her seat in the audience, said that there is a gate there.

23
24 Chairman Hawkins asked, what are the odds that all that back there is muck?

25
26 Mr. Noto questioned, where the pool is located?

27
28 Chairman Hawkins responded, yeah.

29
30 Mr. Noto replied, Brian Bates, Storm Water Engineer for the City, did a field visit
31 during his review of what was submitted to us, and when he came back to me to
32 kind of brief me on what he saw, he didn't mention – he didn't have any concerns
33 about where they were going to build the pool.

34
35 Member Napier asked, and that's yard there now? In that aerial photo, it looks
36 like there is yard space there.

37
38 Mr. Noto answered, correct. Yes.

39
40 Chairman Hawkins requested the Applicant to come forward and address the
41 Board.

42

1 Sherry Clark, 138 Wagon Wheel Way, Lake Mary, Florida 32746, came forward
2 in favor of the two proposed variances.
3

4 Chairman Hawkins questioned Ms. Clark if she had anything further to add to Mr.
5 Noto's presentation.
6

7 Ms. Clark responded, no, he did a fabulous job. I appreciate all the work they
8 have done to help reach this point.
9

10 Chairman Hawkins commented, my only comment would be that you make sure
11 that the contractor has pop-up insurance and that he shows you a copy of the
12 policy because if not, like Mr. Schindler said, if you get a heavy rain, your pool
13 shell is going to pop up while it is being constructed.
14

15 Member Napier commented, I think that is what the hydrostatic valve is supposed
16 to do.
17

18 Member Miller commented, that's after construction.
19

20 Mr. Noto said, that will be put in during, but that is essentially supposed to help
21 after it has been fully constructed.
22

23 Member Napier asked, what is the practicality of – you said there is a gate on
24 that fence along Leslie Lane -- for them to access that? Is that on your property?
25

26 Ms. Clark replied, it is.
27

28 Member Napier questioned, it lines up with where your backyard is so that it
29 is.....
30

31 Ms. Clark answered, yes.
32

33 Member Napier commented, as we look at accessing it, it seems silly to have an
34 access through the wetlands to do the pool when we have got a back entrance to
35 be able to go into to mitigate that damage.
36

37 Chairman Hawkins added, not counting tearing up a lot of yard.
38

39 Member Napier commented, well, that is going to be anyways for any pool.
40

41 Member Cartmill asked, is there any concern about the pool being so close to the
42 roadway there? It seems awful close.
43

1 Mr. Noto responded, pools can be as close as ten feet, if I am not mistaken, from
2 the property line to the pool coping.

3
4 Member Napier questioned, and as I look at this, is that right that it's only about
5 ten feet based on the drawing here from the enclosure?
6

7 Mr. Noto replied, yes. The most westerly point is ten feet, and actually the
8 measurement we would do for the pool is the 23.6 feet, a little to the right of that
9 (indicating).

10
11 Chairman Hawkins opened the hearing to public comment. Hearing none, he
12 closed that portion and entertained board discussion and/or a motion.
13

14 **MOTION:**

15
16 **Member Cartmill moved to recommend approval to the Mayor and City**
17 **Commission the request by Sherry Clark for two variances from the**
18 **Resource Protection Standards, § 160.07 (A) and 160.07 (B) (2) (b), City Code**
19 **of Ordinances, to construct a swimming pool and screen enclosure, 138**
20 **Wagon Wheel Way, Lake Mary, Florida, consistent with staff's seven Findings**
21 **of Fact listed in the Staff Report and subject to the following six conditions.**
22 **Member Napier seconded the motion. Vice Chairman Taylor was absent. The**
23 **motion carried unanimously 5-0.**
24

25 **CONDITIONS:**

- 26
27 1. **Prior to the issuance of a certificate of completion, the Applicant shall**
28 **provide compensating storm water storage for any construction that**
29 **extends into the 100-year flood zone.**
30 2. **During construction, the City shall inspect the hydrostatic valve well**
31 **points prior to backfilling with gravel as shown on the Hydrostatic Relief**
32 **Valve supplement dated March 19, 2010.**
33 3. **Applicant shall provide the City with a hold harmless indemnification**
34 **agreement releasing the City from any liability in case of flooding or**
35 **other disaster.**
36 4. **Prior to construction, the contractor shall install a silt fence or turbidity**
37 **barrier to protect surrounding areas.**
38 5. **Due to the location of Soldiers Creek in relation to the property, prior to**
39 **the issuance of the Certificate of Completion, the Applicant shall deliver**
40 **to the City a conservation easement encumbering the area from the**
41 **wetlands line, as shown on the survey, waterward (due east) in order to**
42 **further protect the area.**

