

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, PLANNING AND ZONING**
2 **BOARD MEETING HELD JUNE 23, 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 Alternate Joe Schofield

17
18 Member Mike Napier was absent.

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

23
24 Also present was Joey Luckado.

25
26 V. Approval of Planning and Zoning Board Minutes - April 14, 2009

27

28 **MOTION:**

29

30 **Member Cartmill moved to approve the Minutes of the Planning and Zoning**
31 **Board meeting of April 14, 2009, as presented. Member Miller seconded the**
32 **motion. Member Napier was absent. The motion carried unanimously 5-0.**

33

34 VI. Old Business

35

36 None

1 VII. New Business

2
3 A. 2009-SP-02: Recommendation to the Mayor and City Commission regarding
4 site plan approval for Lake Mary Oaklawn Chapel, 5000 C.R. 46A, Lake Mary,
5 Florida; Applicant: LEFTI/Joey Luckado

6
7 Gary Schindler, City Planner, requested the Board take five minutes on this item
8 until someone showed up on behalf of the Applicant (see below).

9
10 Chairman Hawkins requested the Board move on to the Community
11 Development Director's Report.

12
13 VIII. Community Development Director's Report

14
15 Juan (John) A. Omana, Jr., Community Development Director, first introduced
16 Mr. Peter Schaffer, Planning Intern, to the Board. Mr. Omana said, Mr. Schaffer
17 is interning with the Community Development Department for the summer. He
18 attends Appalachian State University in Boone, North Carolina. He is being
19 exposed to DRIs, vested entitlements and other zoning-related matters, plus is
20 also scanning documents for the Community Development Department in order
21 to build a database with intentions of being able to have all the documents in a
22 scanned format which will make it a lot easier for customer service and also
23 internally.

24
25 Chairman Hawkins asked, do you have a big scanner?

26
27 Steve Noto, Planner, answered, we have a big scanner for large-format
28 documents.

29
30 Member Miller questioned, so, you can scan blueprints?

31
32 Mr. Omana responded, yes, sir.

33
34 Mr. Omana proceeded to report on actions taken by the City Commission at their
35 May 21, 2009, meeting.

36
37 Mr. Omana also reported on happenings in the Downtown; working closely with
38 Terry Shaw of Shaw Construction and Management. The white buildings to the
39 west of Fourth Street are coming very close to CO in the coming weeks. Mr.
40 Shaw's plan is to have everything ready for a grand opening on July 3, 2009, in
41 conjunction with the second annual Red, Rock and Blue event.

1 Mr. Omana then informed the Board of the nice stop signs that the City has
2 installed at the direction of the City Commission at the intersection of Fourth
3 Street and Lakeview Avenue.
4

5 Mr. Omana also informed the Board that after Mr. Shaw opens up his newest
6 buildings located west of Fourth Street, the City is going to be working with him,
7 through the direction of the Commission, to go ahead and install roughly 25'-high
8 pillars to serve as an eye-catching entry feature to the Downtown.
9

10 A. 2009-SP-02: Recommendation to the Mayor and City Commission regarding
11 site plan approval with a variance for Lake Mary Oaklawn Chapel, 5000 C.R.
12 46A, Lake Mary, Florida; Applicant: LEFTI/Joey Luckado
13

14 It is noted that Mr. Joey Luckado arrived with another unidentified gentleman at
15 6:06 p.m., then the hearing resumed as follows:
16

17 Steve Noto, Planner, presented Item A. and the related Staff Report. A copy of
18 an aerial that is attached to the Staff Report was on the overhead projector. He
19 said that the subject property, approximately 3.5 acres, is located in between
20 westbound and eastbound C.R. 46A and is east of Rinehart Road. He stated
21 that the site is currently utilized as a funeral home, approximately 5,000 square
22 feet, and the property to the south is the cemetery in conjunction with that funeral
23 home.
24

25 Mr. Noto briefly discussed the previously-approved conditional use application.
26

27 Mr. Noto informed the Board that the Applicant has applied for a variance from
28 Chapter 155, Appendix A, City Code of Ordinances, relief from minimum
29 standards for right-of-way improvements.
30

31 Mr. Noto put a colored rendering of the proposed facility that is attached to the
32 Staff Report on the overhead projector. He explained that the proposed funeral
33 home is approximately 14,000 square feet and approximately 30' tall to the load-
34 bearing wall from the lowest portion of grade, which is the right side of the image
35 on the overhead. He said, the construction will be done in phases, as seen on
36 page C3.1 of the site plan currently before the Board. The current facility will be
37 open during construction and the areas will be cordoned off accordingly to
38 adhere to public safety requirements.
39

40 Mr. Noto proceeded to put page C3 of the site plan that is attached to the Staff
41 Report on the overhead projector. He stated, for the site, potable water will be
42 serviced by the City and reclaimed water will be serviced by the City of Sanford.
43 As noted in the Staff Report and mentioned during the conditional use process,

1 the site will be utilizing a septic system, but they will be entering into a
2 Developer's Agreement (see attached to the Staff Report) that states that when
3 sewer becomes available within 100' that they will tie into that system. It is noted
4 that the sewer system can either be City of Lake Mary's, City of Sanford's or the
5 County's. Either one. It doesn't matter.

6
7 Mr. Noto said, C.R. 46A is a County road, so when it comes to traffic and traffic
8 concurrency, they coordinated through the County the right-of-way utilization. If
9 you recall during the conditional use process, they gave us a traffic statement
10 that we carried over to the site plan process. During the process with the
11 County, the County concluded that no additional improvements were needed and
12 an additional study was not needed for trips.

13
14 Mr. Noto stated, with regards to parking, the requirement for this type of use is 1
15 per 250, which brought the requirement to 58 required spaces. They are
16 providing 63, 3 of which are handicapped, which is code.

17
18 Mr. Noto stated, when it comes to landscaping, the property meets and exceeds
19 the relevant requirements. They are providing a 15-foot-wide average buffer
20 around the entire property. In some areas, it is a bit larger, especially in the
21 northeast corner. There is a lot of existing vegetation there, so they are saving
22 quite a bit of the trees that are in that sector of the property. To utilize the
23 property in building the new building, they are taking down a few trees however,
24 but, again, they are mitigating for the historic trees that are going to be removed.
25 They are going to remove seven historic trees and replacing those with 35 Live
26 Oaks, and that will be heard by the City Tree Board after this meeting in a couple
27 of weeks. There is one tree that I want to bring attention to. It is not on this
28 page, but it is within the landscape plan that you have. It is Tree No. 30. It is
29 located right around the southeastern entrance – right around this general area
30 here (indicating to overhead). It kind of is in the landscape buffer and the
31 roadway. So, we asked the Applicant to see if they could maybe get creative and
32 move the drive aisle in such a way where the tree could be saved, and they were
33 able to do that. We are just waiting on them to supply the plans. We didn't need
34 them for this evening, but that is something that we will look for prior to site
35 construction. So, we are very thankful they were able to save that tree. It was
36 quite a large tree.

37
38 Mr. Noto said, when it comes to lighting, storm water and open space, the
39 Applicant is meeting all of the applicable standards. The foot-candle levels are
40 acceptable. They are using shoebox lighting, which is – this is the plan (puts
41 proposed lighting plan with Somerset written at the top on the overhead
42 projector).

1 Mr. Noto stated, the variance that is being requested is a bit unique as the
2 subject property is quite unique. Of course, this is probably the only property
3 within the City limits that is actually a median where that is buildable. Of course,
4 when you develop a property in the City, you are required to have sidewalks
5 around the perimeter. In this case, taking into account the unique nature of the
6 site, the configuration, we didn't feel that that would be a very good idea from a
7 safety perspective. Of course, C.R. 46A is a County road. Ultimately, it went
8 back to the County for their decision. They agreed that it would not be a safe
9 item; that they would support our support of a variance. They did, however,
10 along with us, want to see some ADA accessibility somewhere on the site
11 because we can't really issue a variance to ADA accessibility. And, that is noted
12 on the site plan as well (puts reduced copy of site plan attached to the Staff
13 Report back on the overhead projector). They are providing a route from the
14 entrance of the building going west along the property connecting to the
15 sidewalks that exist around the perimeter of the cemetery just to the south.
16 When it comes, again, to the variance, we find that they meet all of the applicable
17 Findings of Fact and we do support approval of the variance portion of the site
18 plan.

19
20 Mr. Noto concluded his presentation by saying, in conclusion, we do find that the
21 site plan meets all the applicable codes. It is concurrent with the Comp. Plan and
22 City Code of Ordinances and we do recommend approval, as well as noting the
23 three conditions listed in the Staff Report (see below under motion).

24
25 Juan (John) A. Omana, Jr., Community Development Director, announced that
26 the Applicant has made a donation to the City's Open Space Program and that
27 number 6 under the Developer's Agreement should be deleted.

28
29 Chairman Hawkins okayed that deletion.

30
31 Mr. Omana also announced that this hearing is quasi-judicial in nature; that there
32 was 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
34 matter.

35
36 Member Miller asked, this is solely within the City of Lake Mary? The whole
37 property?

38
39 Mr. Noto answered, yes. Yes, this entire property is within the City limits.

40
41 Member Miller commented, because I know the Minute Mart we had before was
42 mixed; right?
43

1 Mr. Noto responded, right. Yes. Right.

2
3 Chairman Hawkins requested the Applicant to come forward and address the
4 Board.

5
6 Joey Luckado with LEFTI, 1005 Berwin Road, Orlando, Florida 32806, came
7 forward on behalf of the funeral home in favor of the proposed site plan with
8 variance.

9
10 Chairman Hawkins questioned Mr. Luckado if he had anything further to add to
11 Mr. Noto's presentation.

12
13 Mr. Luckado replied, no, sir. I can make just a couple of small, little corrections
14 on the site plan. The tree is actually located about right here (indicating to
15 overhead projector). What we are going to do is – we already exceed the
16 parking. So, what is going to have to happen is we are just going to bring this
17 drive aisle down and take this spot and turn it into an island and then you'll just
18 have a turn right there (indicating to overhead projector).

19
20 Member Miller asked, that is to get around the tree?

21
22 Mr. Luckado answered, yes, sir. It is about – I think it's a 42" Live Oak that we
23 are going to save.

24
25 Chairman Hawkins questioned, and all of the conditions in the Staff Report -- you
26 are okay with those?

27
28 Mr. Luckado responded, yes, sir. Basically, even the address change I spoke
29 with Steve Noto this evening. We are speaking with the United States Postal
30 Service on that. It is going to be technically up to them on turning that into Lake
31 Mary instead of Sanford on the zip code issue, and Steve and I talked about that
32 and we are in agreement on that.

33
34 Member Miller asked, the construction process is to build a new building, a new
35 parking lot and then demo the old building?

36
37 Mr. Luckado replied, yes, sir. Yes, sir. Actually, the demo-ing of the first, smaller
38 two-story building, which is I think now the sales office, that will actually go ahead
39 and happen, and then we will keep the other funeral – the actual, existing funeral
40 home in operation while the other one is being built because the septic tank right
41 now is actually right behind where this new building is going to go. So, the first
42 step is going to be to do the septic tank and then we will, of course, tie in the old
43 building to the new septic tank, and then after we build this building, demolish the

1 existing funeral home and tie it into -- the new funeral home into the, of course,
2 new septic tank.

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 **MOTION:**

8
9 **Member Miller moved to recommend approval to the Mayor and City**
10 **Commission the request by LEFTI/Joey Luckado regarding site plan**
11 **approval for Lake Mary Oaklawn Chapel, 5000 C.R. 46A, Lake Mary, Florida,**
12 **consistent with staff's findings listed in the Staff Report and subject to the**
13 **following variance and conditions. Vice Chairman Taylor seconded the**
14 **motion. Member Napier was absent. The motion carried unanimously 5-0.**

15
16 **VARIANCE:**

17
18 **Chapter 155, Appendix A, relief from minimum standards for right-of-way**
19 **improvements.**

20
21 **CONDITIONS:**

- 22
23 **1. Prior to the issuance of a site construction permit:**
24 **a. Document that any tree barricades will comply with Section**
25 **157.21**
26 **i. Trees with a caliper of 12"+ require a minimum 10' setback**
27 **from trunk**
28 **b. Provide documentation of Health Dept., permitting**
29 **c. Remove "Parcel 'B'" from the cover page description. That site is**
30 **not connected to the subject property.**
31 **i. Correct open space/impervious table to reflect same**
32 **d. Show the saving of tree #30 via the reconfiguration of the drive**
33 **aisle**
34 **e. Enter into Developer's Agreement for connection to sewer service**
35 **when it becomes available**
36 **2. Document that the address of the site will be 5000 CR 46A, Lake Mary,**
37 **Florida 32746.**
38 **3. As noted in the Conditional Use approval, in the event the property**
39 **owner wishes to add a crematorium, a separate conditional use**
40 **approval would be required.**
41 **4. Planning and Zoning Board recommends that the sixth condition of the**
42 **Developer's Agreement be omitted.**
43

1 Mr. Omana announced that this item will move forward to the City Commission
2 meeting of July 9, 2009.

3 IX. Other Business

4 None

5 X. Reports of Other Members

6 None

7
8 XI. Adjournment

9
10 The meeting was adjourned at 6:19 p.m.

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Dr. Robert Hawkins, Chairman

Diana T. Adams, Administrative
Secretary