

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, PLANNING AND ZONING**
2 **BOARD MEETING HELD JULY 13, 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 were Todd Hudson, P.E. and Steven DeBole.

25
26 V. Approval of Planning and Zoning Board Minutes - June 8, 2010
27 June 22, 2010
28 (Postponed)

29
30 VI. Old Business

31
32 None

33
34 VII. New Business

35

1 A. 2010-VA-03: Recommendation to the Mayor and City Commission for a
2 variance from §160.07 (B)(2)(b), Resource Protection Standards, City Code of
3 Ordinances, to construct a swimming pool, paver deck and aluminum fence,
4 240 Humphrey Road, Lake Mary, Florida; Applicant: Tom Geodde
5

6 Steve Noto, Planner, presented Item A. and the related Staff Report. The
7 Location Map attached to the Staff Report was on the overhead projector. He
8 said that the subject property is located at the corner of Humphrey Road and
9 Wood Street and was platted in 1996 (puts a portion of the plat that was done in
10 '96 on the overhead projector). He stated that the subject property was platted
11 after the Chapter 160, Resource Protection Standards, regulations came into
12 effect. He said that the Wetland Protection Zone, the 25-foot environmental
13 buffer, and the building setback line were adhered to when the home that
14 currently sits on the subject property was built in 2008 and a variance was not
15 needed.
16

17 Mr. Noto put a colored aerial on the overhead projector indicating the 100-year
18 flood line (blue line). He stated that what is unique about this particular
19 application is that over the past 14 years, the original location of the 100-year
20 flood line has shifted to the south about 20 to 30 feet; Mother Nature is an
21 interesting character; therefore, a lot of the rear portion of the property is now
22 encompassed by the 25-foot buffer and the 75-foot setback. He said, almost any
23 construction that is proposed in the rear of the yard now would require a variance
24 to Chapter 160.
25

26 Mr. Noto explained that this variance request involves reducing the 75-foot buffer
27 to 20 feet, a reduction of 55 feet. He reviewed the six variance criteria listed in
28 the Staff Report. He reiterated that the uniqueness of this variance request is
29 that the 100-year flood line has shifted; that the current day owner is not the
30 same owner who platted or who built the home originally.
31

32 Mr. Noto pointed out that this is the 17th request for variance(s) from Chapter
33 160.
34

35 Mr. Noto concluded his presentation by saying that staff does feel that this
36 request for a variance does meet all six variance criteria and recommends
37 approval.
38

39 Member Napier asked, when was the 100-year flood plain changed? When was
40 that determined?
41

42 Mr. Noto answered, the flood line itself shifts.
43

1 Member Napier questioned, you said the original was determined at some point?

2
3 Mr. Noto responded, 1996.

4
5 Member Napier asked, and then the new one has been.....

6
7 Mr. Noto replied, just within the last two months they gave us the new survey and
8 they put on there the new location of the flood line, and when I received it, I was
9 surprised. I did pay a visit to our storm water engineer in Public Works and he
10 showed me an aerial from his system that showed that where they show it today
11 is the correct location.

12
13 Chairman Hawkins questioned Mr. Noto, what does BFE stand for?

14
15 Mr. Noto answered, Base Flood Elevation.

16
17 Juan (John) A. Omana, Jr., Community Development Director, announced that
18 all of this evening's items are quasi-judicial in nature; that a Quasi-Judicial Sign-
19 In Sheet (see attached) was located at the back of the chambers for any
20 interested party to sign in order to be kept abreast of these items.

21
22 Chairman Hawkins asked Mr. Noto, is the Applicant present?

23
24 Mr. Noto responded, no, sir. We did inform the Applicant, and the contractor and
25 the Applicant's wife were supposed to be here, but they are not present. (It is
26 noted that Mrs. Katie Geodde entered the meeting late after this hearing was
27 concluded. She went to 911 Wallace Court).

28
29 Chairman Hawkins questioned, did they have any objections to your report when
30 you talked to them last?

31
32 Mr. Noto replied, no.

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

36
37 **MOTION:**

38
39 **Member Cartmill moved to recommend approval to the Mayor and City**
40 **Commission the request by Tom Geodde for a variance from §160.07**
41 **(B)(2)(b), Resource Projection Standards, City Code of Ordinances, to**
42 **construct a swimming pool, paver deck and aluminum fence, 240 Humphrey**
43 **Road, Lake Mary, Florida, consistent with staff's seven Findings of Fact listed**

1 **in the Staff Report. Alternate Schofield seconded the motion. Vice Chairman**
2 **Taylor was absent. The motion carried unanimously 5-0.**
3

4 Chairman Hawkins announced that this item will move forward to the City
5 Commission; that staff will notify the Applicant of the date and time of the meeting.
6

7 B. 2010-SP-04: Recommendation to the Mayor and City Commission for site plan
8 approval with one variance for Lake Mary Professional Offices, 155 & 165
9 Middle Street, Lake Mary, Florida; Applicant: Lake Mary Professional Offices,
10 LLC
11

12 Steve Noto, Planner, presented Item B. and the related Staff Report. The
13 Location Map attached to the Staff Report was on the overhead projector. He
14 stated that there is only one variance currently attached to this site plan; that
15 after the Agenda was completed, staff did some further research in the Code and
16 found that one of the variances was not necessary.
17

18 Mr. Noto said that the subject property is located at the southernmost portion of
19 Middle Street; across the street due west is the Summerville assisted living
20 facility, and the property abutting to the north is what is known as the Beach
21 Brothers Office Building. He stated that the subject property is just under two
22 acres in size and the Applicant is proposing to build two 3,500 square-foot office
23 buildings with all the standard ancillary development such as the storm water
24 pond, parking, off-site access for ADA compliance (puts a reduced copy of Sheet
25 5.00 of the site plan that is attached to the Staff Report on the overhead
26 projector). He said that the Applicant will be providing 30 parking spaces, two of
27 which are handicapped.
28

29 Mr. Noto stated that there was one historic 24" Long Leaf Pine tree located on
30 the subject property that did require City Tree Board approval for its removal that
31 was heard last night (puts a copy of the Landscape Plan on the overhead
32 projector and indicates the subject tree). He explained that staff came to the
33 conclusion that due to the elevations, the amount of fill that would be required to
34 save the tree would subsequently kill the tree; that pine trees are sensitive to
35 construction activity. He said that the Applicant will provide four Red Maple
36 replacement trees, which meets code requirement, to be planted at the edge of
37 the storm water pond, as shown on Sheet 8 of the site plan and as approved by
38 the City Tree Board 4-0.
39

40 Mr. Noto discussed open space and storm water listed in the Staff Report. He
41 put a copy of the Demolition/Erosion Control Plan on the overhead projector. He
42 stated that the pond that is provided onsite was reviewed by St. Johns and staff
43 and meets all of the City's code/open space requirements. He said that the

1 southern portion of the site has been basically left untouched and is noted as a
2 tree preservation area that may be developed in the future. He stated, staff
3 wanted to make sure that if the site was going to be divided, that that open space
4 requirement will continue to be met. And that is the case. If you take the
5 northernmost property line and go south to the edge of the pond, they still have
6 59 percent open space. So, that still meets the Code requirement.
7 Mr. Noto proceeded to discuss the one requested landscape variance from the
8 eastern landscape buffer. He put the reduced copy of Sheet 5.00 of the site plan
9 that is attached to the Staff Report back on the overhead projector. He said that
10 the abutting zoning district is A-1, but the Future Land Use category is
11 Commercial, so there is an inconsistent zoning and land use category. He
12 stated, the same thing applied to the Beach Brothers project to the north. They
13 requested the same type of buffer and it was approved. They would have been
14 required to give a Type C buffer, which is 45 feet, a 6-foot brick wall, additional
15 trees. They are asking for a Type A buffer. They would not be providing a wall,
16 and it would be a 10-foot buffer. He said that the Beach Brothers property to the
17 north also received this type of variance, so it would be consistent with what was
18 done in the past and is consistent with the landscape variance provisions, which
19 are a little less stringent than your typical variance. He stated, the Applicant will
20 be saving 29 trees that are onsite (puts the Demolition/Erosion Control Plan back
21 on the overhead projector). There is a lot of underbrush, but most of the trees
22 are located within the eastern boundary. They will be having 20 Live Oaks within
23 that buffer area.

24
25 Mr. Noto concluded his presentation by saying that staff has found that the
26 requested site plan with variance meets all applicable codes and all of the
27 Findings of Fact listed in the Staff Report and staff does recommend approval of
28 this item.

29
30 Chairman Hawkins requested the Applicant to come forward and address the
31 Board.

32
33 Todd Hudson, P.E., Applicant Representative, Hudson Engineering Associates,
34 Inc., P.O. Box 677742, Orlando, Florida 32867, came forward and addressed the
35 Board in favor of the proposed site plan with variance. He said that they agree
36 with staff's recommendations and respectfully request the Board's approval; that
37 he was present to answer any questions the Board may have.

38
39 Member Miller asked Mr. Hudson if this is spec, or is somebody going in it
40 already.
41

1 Mr. Hudson answered, yeah, I believe there is actually a tenant already for one
2 building, and then it will probably be for sale on the market for a total buyout with
3 a tenant in the building.
4

5 Member Miller questioned Mr. Hudson further, so the one building is full with the
6 one tenant; right?
7

8 Mr. Hudson responded, yeah. Right now one – yeah, exactly. One tenant will
9 take up one of the buildings and -- but I believe it is actually available to be – the
10 two buildings are set up to also do two tenants each, I believe. They can be split.
11

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

15 **MOTION:**
16

17 **Member Cartmill moved to recommend approval to the Mayor and City**
18 **Commission the request by Lake Mary Professional Offices, LLC, for a site**
19 **plan with one variance for Lake Mary Professional Offices, 155 & 165 Middle**
20 **Street, Lake Mary, Florida, consistent with staff's Findings of Fact listed in**
21 **the Staff Report. Alternate Schofield seconded the motion. Vice Chairman**
22 **Taylor was absent. The motion carried unanimously 5-0.**
23

24 **VARIANCE:**
25

- 26 **1. East Landscape Buffer – Section 157.04 (3), a variance of 35' from the 45'**
27 **wide landscape buffer, a variance of 18 understory trees from the required**
28 **27, and from the requirement to provide a six-foot high brick wall along**
29 **the east property boundary.**
30

31 Mr. Omana announced that this item will tentatively move forward to the City
32 Commission meeting of August 12, 2010.
33

34 Gary Schindler, City Planner, briefly addressed Items C. and D. He stated, as you
35 are aware, the City has encouraged properties in a certain area of the City to
36 change their land use to DDD (Downtown Development District) in expanding the
37 Downtown, so we have properties on two sides of the existing downtown that have
38 done this and both properties have taken the next step now to change their zoning
39 to DC (Downtown Centre). He then addressed each of the two properties
40 separately, as follows:
41

- 42 C. 2010-RZ-06: Recommendation to the Mayor and City Commission for rezoning
43 of property from R-1A (Single Family) to DC (Downtown Centre), NW corner of

1 Hollis Street and Lake Mary Boulevard, Lake Mary, Florida; Applicant: Steven
2 DeBole.

3
4 Gary Schindler, City Planner, presented Item C. and the related Staff Report.
5 The Location Map attached to the Staff Report was on the overhead projector.
6 He said that the subject property is comprised of two parcels located on the
7 northwest corner of Lake Mary Boulevard and North Hollis Street, is
8 approximately .52 of an acre, and is vacant. He said that the subject property
9 has had the land use changed and currently it is DDD (Downtown Development
10 District). He stated, DC (Downtown Centre) zoning is the most appropriate
11 zoning for a property that has DDD land use. In fact, there is a requirement that
12 development or redevelopment of properties must rezone to DC. So, sooner or
13 later it is going to have DC zoning. Mr. DeBole, being a very astute person, said
14 I'd rather do it sooner, and so here it is before the Board tonight.

15
16 Mr. Schindler reviewed the four rezoning criteria, A. through D., listed on page 2
17 of the Staff Report.

18
19 Mr. Schindler concluded his presentation by saying that the findings of fact A.
20 through D. are determined to provide support for the request to rezone the
21 subject property from R-1A (Residential) to DC (Downtown Centre) by
22 establishing consistency and compatibility.

23
24 Chairman Hawkins asked, what are the alternatives if you wanted to rezone it to
25 something different?

26
27 Mr. Schindler replied, there are no alternatives.

28
29 Member Cartmill pointed out that the Staff Report says Downtown Commercial
30 and should say Downtown Centre.

31
32 Chairman Hawkins requested the Applicant to come forward and address the
33 Board.

34
35 Steven DeBole, 300 Tullis Avenue, Longwood, Florida 32750, came forward and
36 addressed the Board in favor of the proposed rezoning. He said that he is the
37 owner of the subject property and is just trying to get a head start on the
38 expectation of the SunRail and what is going to come with it, and as a vacant
39 property, maybe he will start things rolling out there as far as thoughts for
40 development; that he would appreciate the Board granting his request to rezone.

41
42 Chairman Hawkins opened the hearing to public comment. Hearing none, he
43 closed that portion and entertained board discussion and/or a motion.

1 Member Napier questioned how many more properties are there going to be
2 moving in this direction.

3
4 Mr. Schindler answered, there are 33 properties in the target area that have had
5 their land use changed but have not yet had the zoning changed.

6
7 Member Miller asked, it doesn't change the tax rate; does it?

8
9 Mr. Schindler responded, our experience with the Downtown properties is that it
10 does not. We certainly hope that's true.

11
12 Mr. DeBole came forward again and added that he called the County and spoke
13 with somebody in the tax assessing department before even going through with
14 this request and they said that until properties in the area that are already zoned
15 Downtown Centre start selling to give them numbers to then base their new
16 assessments on, there probably won't be any changes. He stated that he
17 assumed that it could be one to two years from now before we start seeing a
18 change.

19
20 **MOTION:**

21
22 **Alternate Schofield moved to recommend approval to the Mayor and City**
23 **Commission the request by Steven DeBole for rezoning of property from R-**
24 **1A (Single Family) to DC (Downtown Centre), NW corner of Hollis Street and**
25 **Lake Mary Boulevard, Lake Mary, Florida, consistent with staff's Findings of**
26 **Fact listed in the Staff Report. Member Cartmill seconded the motion. Vice**
27 **Chairman Taylor was absent. The motion carried unanimously 5-0.**

28
29 Mr. Omana announced that this item will tentatively move forward to the August 12,
30 2010, City Commission meeting.

31
32 D. 2010-RZ-07: Recommendation to the Mayor and City Commission for rezoning
33 of property located on the NW corner of N. 4th St. and Crystal Lake Avenue from
34 R-1A (Single Family) to DC (Downtown Centre); Applicants: Steve and
35 Deborah Bracknell

36
37 Gary Schindler, City Planner, presented Item D. and the related Staff Report.
38 The Location Map attached to the Staff Report was on the overhead projector.
39 He shifted the Board's attention to the west side of downtown to the northwest
40 corner of Crystal Lake Avenue and 4th Street. He said, several years ago, the
41 City Commission said they would be receptive to properties along the west side
42 of 4th Street that had frontage on 4th Street coming into the Downtown. So, being
43 proactive, staff notified the properties. There were about four properties there

1 that were not yet in the Downtown, and we said, what a wonderful opportunity.
2 Come into the Downtown. The City will waive the application fee and we will
3 then bring your property into the Downtown and we'll give it Downtown
4 Development District Land Use. We had only one taker, this property. And, now,
5 likewise being a visionary, they said, well, let's not stop here. Let's give this
6 property a Downtown Centre zoning designation. And that's what we're doing.
7

8 Mr. Schindler reviewed the four rezoning criteria as listed on page 2 of the Staff
9 Report. He stated that the findings of fact A. through D. are determined to
10 provide support for the request to rezone the subject property from R-1A
11 (Residential) to DC (Downtown Centre) by establishing consistency and
12 compatibility.
13

14 Mr. Schindler concluded his presentation by saying that the Applicants were not
15 able to be present for this hearing tonight.
16

17 Member Cartmill requested to abstain from voting on this matter tonight (see
18 Form 8B attached) since Steve Bracknell and him currently sit on the same
19 charitable organization of which Deborah Bracknell is a professional partner.
20

21 Member Miller questioned Chairman Hawkins if it was okay if Member Cartmill
22 recused himself from voting on this matter tonight.
23

24 Chairman Hawkins answered affirmatively.
25

26 Member Cartmill asked Mr. Schindler if the Future Land Use was going to be
27 changed on this property as well.
28

29 Mr. Schindler replied, the Future Land Use is in the process of being changed. It
30 will go to the City Commission at the July 22, 2010, City Commission meeting for
31 First Reading, and then on August 12, 2010, it will go for Second Reading. If for
32 whatever reason the land use should not be approved, then, of course, the
33 zoning would not continue forward.
34

35 Member Miller questioned, if Amendment 4 passes, the other three properties
36 that are on 4th Street, would they have to go to a ballot in order to become
37 Downtown Centre?
38

39 Mr. Schindler answered affirmatively.
40

41 Member Miller asked, do those people know that, you think?
42

1 Juan (John) A. Omana, Jr., Community Development Director, answered, we
2 have informed everybody to the best of our ability. The ball is in their court.

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 **Alternate Schofield moved to recommend approval to the Mayor and City**
10 **Commission the request by Steve and Deborah Bracknell for rezoning of**
11 **property located on the NW corner of N. 4th St. and Crystal Lake Avenue from**
12 **R-1A (Single Family) to DC (Downtown Centre), Lake Mary, Florida,**
13 **consistent with staff's Findings of Fact listed in the Staff Report. Member**
14 **Miller seconded the motion. Member Cartmill abstained from voting on the**
15 **motion (see Form 8B attached). Vice Chairman Taylor was absent. The**
16 **motion carried unanimously 4-0.**

17
18 It is noted that this item will tentatively move forward to the August 12, 2010, City
19 Commission meeting.

20
21 VIII. Community Development Director's Report

22 Juan (John) A. Omana, Jr., Community Development Director, reported on actions
23 taken by the City Commission at their July 1, 2010, meeting.

24 IX. Other Business

25 Member Miller questioned in reference to the Sign Code if people can put political
26 signs up in their yards.

27 Juan (John) A. Omana, Jr., Community Development Director, responded, people
28 can put signs up in their yards, 2' x 3's, and based on the zoning district, there's a
29 set square footage for copy face area. If you want to give me your fax number, I'd
30 be happy to fax you over a cheat sheet.

31 Member Miller said, okay. Well, somebody told me, in Timacuan, you can't put
32 them in your yards. Maybe that's a homeowners thing. They say you can put them
33 inside your screen for visibility on the golf course, that kind of thing, but not in your
34 front yard.

35 Mr. Omana stated that you can put them on your property, but not in the right of
36 way, medians, and those type of things.

1 Chairman Hawkins added, and you can have one per parcel/property; yard sign,
2 political sign. As long as it is 2' x 3', you can have one without a permit.

3 Member Miller asked about the City's authority concerning landscaping issues at
4 Rinehart Place.

5 Mr. Omana replied, recently they did mow in the front. And, yes, we have
6 jurisdiction over them with respect to the Code Enforcement action we have on it
7 now. And just this morning we initiated an additional Code Enforcement action on
8 the eastern portion of the property regarding some landscaping that we saw was
9 lax. So, we are going to be continuously monitoring it.

10 Member Miller commented, eventually there won't be anybody there for us to
11 monitor.

12 Mr. Omana stated, well, eventually, hopefully, it will be out of the courts and out of
13 the lawyers hands and all the receivership stuff, but that is beyond our control at
14 this point.

15 Chairman Hawkins commented, they're up to \$100 per day in Code Enforcement
16 fines.

17 Mr. Omana said, I believe it is \$250, and I can check with Mr. Fleming to see if
18 those are ongoing.

19 Member Cartmill questioned Mr. Omana if the City Commission made any
20 significant changes to the SunRail site plan.

21 Mr. Omana answered, no, they pretty much accepted the design and your
22 recommendations.

23 Steve Noto, Planner, added, they left some flexibility with the canopy and under-
24 story trees. And the potential security cameras, they kind of left that one open-
25 ended.

26 X. Reports of Other Members

27 None

28 XI. Adjournment

29
30 The meeting was adjourned at 6:36 p.m.

31
32

1
2
3
4
5
6
7

Dr. Robert Hawkins, Chairman

Diana T. Adams, Administrative
Secretary

**JULY 13, 2010-12
PLANNING AND ZONING BOARD**