

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, PLANNING AND ZONING**
2 **BOARD MEETING HELD SEPTEMBER 22, 2009, 6:00 P.M., CITY HALL, 100 N.**
3 **COUNTRY CLUB ROAD**

4
5 **TAPE 1, SIDE A**

6 I. Call to Order

7 The meeting was called to order at 6:00 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 Alternate Joe Schofield (Voting)

16
17 Vice Chairman Colleen Taylor and Member Mike Napier were absent.

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 was Doug Dyer and an unidentified lady who was a representative
24 of the landscape architect for the Lakeside at Primera project.

25
26 V. Approval of Planning and Zoning Board Minutes - July 28, 2009

27
28 **MOTION:**

29
30 **Member Cartmill moved to approve the Minutes of the Planning and Zoning**
31 **Board meeting of July 28, 2009, as presented. Member Miller seconded the**
32 **motion. Vice Chairman Taylor and Member Napier were absent. The motion**
33 **carried unanimously 4-0.**

34
35 VI. Old Business

1 None

2
3 VII. New Business

4
5 A. 2009-SP-03: Request for site plan approval for Lakeside at Primera located
6 Currency Circle, Lake Mary, Florida; Applicant: Crabtree Creek Properties,
7 LLC/Sandy Acton
8

9 Steve Noto, Planner, presented the request and the related Staff Report. A
10 colored aerial was on the overhead projector. He said that previously in 2006
11 this item came before the Board and was approved; that this site plan has since
12 expired and that is the reason it is currently before the Board. He stated that the
13 subject property is 3.6 acres in size and is located at Currency Circle at Primera
14 Boulevard just north of Lake Mary Boulevard. He said that the current zoning is
15 PUD and has a Future Land Use designation of Commercial. He stated that the
16 site plan request is for five one-story office buildings totaling roughly 30,000
17 square feet (puts another document on the overhead projector entitled Geometry
18 & Traffic Control Plan). He said that, for the most part, the request before the
19 Board this evening mirrors the one that was approved in 2006; that one of the
20 more apparent deviations was the subtraction of roughly 5,000 square feet of
21 gross building area. He stated that there are the same number of parking
22 spaces, 149, and there are the same number of buildings, five. He said that the
23 Applicant also took into account one of the conditions of approval from 2006,
24 which was the connection of the sidewalk to the existing sidewalk that runs along
25 Primera Boulevard, and also took into account the City Tree Board's approval
26 from 2006 for the removal of a 33" oak tree towards the north side of the
27 property, and have already accounted for the five replacement trees that would
28 have been required. He clarified that on page 2 of the Staff Report under the
29 parking section that there is a notation about parking spaces dropping below 149
30 spaces resulting in an usable square footage. The number should actually be
31 117, which basically makes the issue outlined in that paragraph a moot point.
32

33 Mr. Noto concluded his presentation by saying, Staff finds that the request for a
34 site plan for the construction of five office buildings is consistent with all
35 applicable codes and requirements and requests approval subject to five
36 conditions (see below under motion).
37

38 Chairman Hawkins asked, there are 117 required and they are providing 149?
39

40 Mr. Noto answered affirmatively.
41

42 Chairman Hawkins questioned, let's say all of these buildings have medical uses.
43 How many more handicapped spots would they need?

1 Mr. Noto responded, where it comes into play is per ADA and the Florida Building
2 Codes, certain medical uses require more handicap spaces. I spoke with the
3 Building Official and he said any medical use that is not a clinic or an outpatient
4 facility requires more handicap spaces. So, it is a case-by-case review, when the
5 Occupational Licenses come in, by the Building Official.
6

7 Chairman Hawkins asked, why can't we have at least one handicap space per
8 building rather than grouping them like they have them? Does that make sense?
9

10 Mr. Noto adjusted the Geometry & Traffic Control Plan document that was on the
11 overhead projector so he could see it better. He replied, the general requirement
12 is that the spaces be as close to a building as possible. If it is the pleasure of the
13 Board that they put one per building, we sure could have that as a condition.
14

15 Chairman Hawkins commented, that was the only thing I noticed about this site
16 plan, is if there was a handicap person in the middle of the three buildings they
17 would have to walk a ways because Buildings B and C have no handicap parking
18 by their front door. It's by the side door on Building B. So, that was my only
19 comment, about the handicap. I don't think there are enough handicap spaces
20 for these five buildings.
21

22 Gary Schindler, City Planner, stated, at this point, I think they know the tenant of
23 one of the buildings and it will be a medical building. The other buildings -- they
24 have no idea who the tenants are, and it was felt that grouping them at the
25 medical -- the building they know is going to be a medical building does benefit
26 the clients of that building. Now, they have, at this point, provided the number of
27 handicap parking spaces based upon what they know. In the future, they may
28 have to convert regular parking spaces to handicap spaces. So, that is why Mr.
29 Noto was saying that at the time that we know who the tenants are, the number
30 of handicap spaces will be looked at on a case-by-case basis.
31

32 Chairman Hawkins commented, okay. But, that still doesn't help the people who
33 work in Buildings B and C. So, I just think that each of those ought to have at
34 least one handicap space, even if Building D, which I guess is the one with the
35 medical, is going to have two.
36

37 Mr. Schindler said, well, it is your prerogative to make that a condition.
38

39 Chairman Hawkins stated, okay. I was just wondering if you-all had thought
40 about this, but I guess you have. So, that was my only question.
41

42 Member Miller recused himself from voting on this item (see attached Form 8B).

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

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

8
9 Doug Dyer, Applicant Representative with Dyer, Riddle, Mills & Precourt, 941
10 Lake Baldwin Lane, Orlando, Florida 32814, came forward in favor of the
11 proposed site plan on behalf of Developer Sandy Acton. He said that he would
12 be glad to answer any questions the Board may have. He stated that also
13 present seated in the audience is their Landscape Architect, if there were any
14 questions for her. He said that they did not object to the five conditions listed in
15 the Staff Report. He then addressed Chairman Hawkins concern regarding the
16 number of handicap parking spaces. He stated, we tried to – the client wanted to
17 try to obtain a 5 per 1,000 parking space requirement that some of the tenants
18 have requested. That seems to be the number for the market. We could
19 probably go back and revise the handicap spaces. We would end up –
20 obviously, when you have two handicap spaces, if you share the common space
21 between them, it is more efficient that way as far as impervious area. So, some
22 of those larger landscape islands in front of Buildings B and C may need to be
23 reduced a little bit. If we start doing individual spaces just for the economy of use
24 of two spaces per one access aisle, it gets to be a little more impervious, when
25 you start breaking them up one by one. So, we could certainly look at that. We
26 just felt that this was the best layout for the way we had it.

27
28 Chairman Hawkins commented, okay. I just think those two buildings deserve at
29 least one handicap space, and if the economy works out that you want to put two
30 per building, then, to me, that's up to you. But, I just think each building ought to
31 have at least one closer to the front door, and if you want to provide extras, you
32 certainly have lots of spaces to do that.

33
34 Mr. Dyer stated, well, we can – if that is what gets ruled tonight, then we will
35 certainly look at that and see – work with staff and see if we can come up with
36 something that works.

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

40
41 **MOTION:**
42

1 **Member Cartmill moved to approve the request by Crabtree Creek**
2 **Properties, LLC/Sandy Acton for a site plan for Lakeside at Primera located**
3 **Currency Circle, Lake Mary, Florida, subject to the following five conditions.**
4 **Alternate Schofield seconded the motion. Member Miller abstained from**
5 **voting on the motion (see attached Form 8B). Vice Chairman Taylor and**
6 **Member Napier were absent. The motion carried unanimously 3-0.**

7
8 **CONDITIONS:**
9

10 **Staff finds that the site plan for the five office buildings within the Primera**
11 **DRI is consistent with the Lake Mary Code of Ordinances, Comprehensive**
12 **Plan and the Primera DRI with the following conditions:**

- 13 **1. Prior to submitting for the site construction permit, coordinate with the**
14 **Fire Marshal regarding clearance from “natural area” to the fire hydrants**
15 **and FDC’s in the area.**
- 16 **2. Within the site construction documents, add sheet L-001A to the index of**
17 **sheets**
- 18 **3. Within the site construction documents, make note that all signage,**
19 **including temporary signs, are governed by the Primera PUD agreement.**
- 20 **4. Within the site construction documents, revise the handicapped signage**
21 **violation to \$250 instead of \$100.**
- 22 **5. Applicant shall coordinate with Building Official regarding special medical**
23 **uses which may require additional handicapped parking spaces. If**
24 **additional handicapped parking spaces are required, the owner or**
25 **applicant shall provide such parking spaces prior to the City approving**
26 **the business license for the use. Planning and Zoning Board requests the**
27 **Applicant increase the number of handicap parking spaces from five to**
28 **six, coordinate with staff in providing two handicap parking spaces**
29 **between Buildings B and C, and reduce the number of handicap parking**
30 **spaces in front of Building A from two to one.**

31
32 **VIII. Community Development Director’s Report**

33 **Juan (John) A. Omana, Jr., Community Development Director, reported on actions**
34 **taken by the City Commission at their August 6, 2009, August 20, 2009, September**
35 **3, 2009 and September 17, 2009, meetings.**

36 **Mr. Omana then updated the Board on the happenings in the Downtown. Master**
37 **Vision Plan D was on the easel. He said, you have received a number of invitations**
38 **from staff to some workshops and City Commission meetings, and really to**
39 **encapsulate this and make a long story short, the City has contracted with ACi as**
40 **its downtown development consultant and has tasked them with creating a Master**
41 **Plan that could potentially lay out the balance and the expansion of the Downtown**

1 from the other side of the railroad tracks going over this way (indicating to easel), to
2 the east near lake Mary Boulevard, enveloping the mixed use concept of live, work,
3 and play. Basically, what all that means is we gave the direction to come up with
4 something that will really stand out and separate us from everybody else, and what
5 they came up with, with our input – and, again, I'll give you a perspective here. The
6 railroad, Crystal Lake, Country Club (indicating). Here's City Hall right here
7 (indicating). You-all know what's going on over here with the Shaw Development
8 folks. Essentially, this created over here (indicating) about 50 acres of property with
9 a residential component up here (indicating) on Palmetto; created a gateway with
10 turnabout features and also provides for commercial mixed use elements along the
11 frontage here (indicating) and also going down this way (indicating). So, you would
12 have your mom and pop shops on the first floor with residential on the second floor.
13 But, the thing that really got me excited was they talked about having a green
14 space area here (indicating), which you get to traverse by foot via a green, grass
15 mall area into an amphitheater right here (indicating). If we work our way across
16 over here on this side (indicating), there was discussion about an aquatic center
17 acting as an anchor to the Downtown. Also, this particular option was shown
18 without the commuter rail happening because that is still up in the air. We have
19 another option showing the station. But, as you can see, this sheds a completely
20 different perspective on this area over here (indicating). Now, understand, in no
21 way, shape or form are we kicking people out of here. The property owners will
22 remain there. Our intention is to have this go in front of the City Commission, adopt
23 it by Resolution, and let the works of supply and demand – let it go at it.

24 Member Miller questioned, does the City own any of that land now?

25 Mr. Omana answered, we own this triangular area here (indicating) and this first lot
26 here (indicating). FDOT owns all of this for the commuter rail station, thus privately
27 held. This is privately held (indicating). Privately-held cemetery (indicating). So,
28 our whole basis behind this is to set the regulatory table. Once the Commission
29 approves this -- they have already authorized Phase II, which is developing the
30 Land Development Code for all this, set those codes in place, and if we ever get out
31 of this economy, this disaster we're in, hopefully, this – by setting the table already,
32 it will spur development later on. So, you've got to start somewhere.

33 Chairman Hawkins asked, and then to the east of that is Sanford?

34 Mr. Omana responded, this is Sanford, correct, right over here (indicating). And, as
35 you can see, these are gateways and -- we're pretty excited about this, but, again,
36 this doesn't happen overnight, but you've got to start somewhere.

37 Chairman Hawkins commented, yeah, you need to plan it.

1 Mr. Omana stated, yes, and we are planners. So.....

2 Member Cartmill questioned, what were the alternatives? Other ideas they came
3 up with?

4 Mr. Omana asked, as far as the station itself?

5 Member Cartmill replied, just anything.

6 Mr. Omana answered, there was one layout that showed the train station and just
7 the parking lot as they proposed. There was another option which showed the train
8 station but with development in it, the building, so it is not just an empty parking lot.
9 And, we have put the bug in the ear of FDOT already. If it does happen, we want to
10 talk to you and negotiate.

11 Member Miller questioned, have we done anything in the City to look at plots that
12 are not yet developed to make sure we are, shall we say, ready for hometown
13 democracy? Are there things we should do now to ensure that we have areas
14 properly zoned in a way that would facilitate the growth that the City wants in the
15 face of hometown democracy?

16 Mr. Omana responded, that is a great question. Let's just say it is on our radar
17 screen. I recently attended a Land Use Law conference where that same issue
18 came up, and we are bouncing around some internal strategies that eventually will
19 get to the City Manager and the Commission. It would be premature for me to say
20 right now, you know, here's what we intend on doing, but I think it would behoove –
21 let's just say we're looking at strategies.

22 Member Miller commented, I probably have a reputation for being pro-economic
23 development as much as anybody in Seminole County, but I think – I don't disagree
24 with what hometown democracy is trying to do, and what that tells us is it behooves
25 us to do our planning now as to how we want things to happen instead of knee-
26 jerking with something that maybe we didn't think made sense until some developer
27 offered to give us a real good tax base with it. So, I think that it drives – the fear of
28 hometown democracy should drive really good planning.

29 Mr. Omana said, I understand your position and we are certainly looking at that
30 issue and obviously pushing along with this. So, periodically, I will fill you in on
31 what's going on and we'll take it from there.

32 Member Miller questioned, is that an okay question to ask the Commission?

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1 Mr. Omana replied, I think it's a valid question and I would phrase it in terms of what
2 are the potential impacts of hometown democracy on land use and zoning and the
3 management of land use and zoning. I could sit here for the next hour and talk
4 about it.

5 Member Miller asked, and you obviously have the planners view of it; that it takes
6 all the flexibility away from you?

7 Mr. Omana answered, yes.

8 Chairman Hawkins asked about the amphitheater. He questioned, what are those
9 buildings right there (indicating)?

10 Mr. Omana responded, this would be kind of like open archways leading into the
11 amphitheater.

12 Chairman Hawkins questioned, and what would that building be (indicating)?

13 Mr. Omana replied, this would be kind of like the stage management area, lighting,
14 stuff like that.

15 Member Miller asked, how many people would this seat?

16 Mr. Omana answered, we don't have a number right now.

17 Chairman Hawkins commented, if you are going to have a mall here (indicating),
18 people in the mall should be able to see the amphitheater without that building
19 being in the way.

20 Mr. Omana stated, I wish I would have brought the other elevation because that
21 would have given us some – and that's a good point. Steve, if you could make a
22 mental note of that.

23 Chairman Hawkins commented, yeah. I like the whole concept of that.

24 Mr. Omana said, later on this month or maybe into the first part of October, we're
25 going to have a public meeting where we're going to have – we have got, like, six or
26 seven of these, of all the options – we're going to get together over at the Events
27 Center and we're going to send out a boat load of notices to everybody, especially,
28 obviously, the people that live here (indicating), to let them know what's going on
29 and they can provide input.

1 Member Cartmill questioned, what is a realistic timeframe for completion? I know
2 that is hard to tell, but.....

3 Mr. Omana responded, I would be a rich man if I had that answer. You know, the
4 economy. It could be 10, maybe 15 years.

5 Member Miller interjected, 10 years after the recession is over.

6 Mr. Omana stated, but what is interesting about it is that this fellow here – he’s
7 already come into the Downtown. He had this amended to be included here
8 (indicating). So, it’s already starting. Mr. Schindler has put together Staff Reports
9 for areas that the City owns, plus governmental areas owned by other
10 governments, to bring them into the Downtown. So, our intention is to jump on this
11 bandwagon immediately.

12 Member Miller asked, does that not sell us their property? Is that how we get it, or
13 how does that work?

14 Mr. Omana replied, let’s just say I have put the bug in their ears regarding
15 ownership. So, we’ll see what happens there.

16 IX. Other Business

17
18 None

19
20 X. Reports of Other Members

21
22 None

23
24 XI. Adjournment

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

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29
30
31 _____
32 Dr. Robert Hawkins, Chairman Diana T. Adams, Administrative
33 Secretary