

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, PLANNING AND ZONING**
2 **BOARD MEETING HELD DECEMBER 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 6:02 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
18 Alternate Joe Schofield 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 Theodore (T.J.) Baun and Jae Chon.

25
26 V. Approval of Planning and Zoning Board Minutes - November 24, 2009

27
28 **MOTION:**

29
30 **Member Miller moved to approve the Minutes of the Planning and Zoning**
31 **Board meeting of November 24, 2009, as presented. Member Cartmill**
32 **seconded the motion. Alternate Schofield was absent. The motion carried**
33 **unanimously 5-0.**

34
35 VI. Old Business

1 None

2
3 VII. New Business

4
5 A. 2009-VA-05: Recommendation to the Mayor and City Commission for two
6 variances from § 160.07 (A) and §160.07 (B) (2) (b), City Code of Ordinances,
7 to construct a swimming pool and spa, 120 Channel Drive, Lake Mary, Florida;
8 Applicant: Theodore Baun
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, as stated, this is a variance from multiple sections of Chapter 160
13 (Resource Protection Standards). This is the 15th type of variance that has to do
14 with Chapter 160 and it is very similar to those that have come before it. The
15 Applicant is requesting to build a pool, spa and paver deck in the rear of the
16 property, and due to 160's regulations, they are required to have two variances
17 (puts up diagram on the overhead which indicates the 25-foot environmental
18 buffer and the 75-foot setback). He stated, as was stated, the Applicant's
19 property is at 120 Channel Drive. What is on the overhead right now – on the left
20 there (indicating) is the Applicant's property at 120 Channel. On the right is the
21 Overchuck property. They actually came in for a variance last year, same
22 instance, they needed a variance to construct a swimming pool. Basically, what
23 this shows is the flow of the 25-foot buffer as well as the 75-foot setback. As you
24 will notice towards the north of the property, there is a segment of the proposal
25 that encroaches into the 100-year floodplain. The pool contractor will be
26 mitigating as such by putting some compensating storage on the west side of the
27 property (puts up page 6 of 8 of a copy of a survey on the overhead projector).
28 He said, what the last exhibit didn't show – it showed the general area where
29 everything was going to be constructed. This exhibit shows – you can see the
30 pool, the spa and the general location of the deck. As I stated, there have been
31 – this is the 15th variance of this type, so there have been 14 prior. We did some
32 additional research this time based on the last variance that came through to see
33 how many of the 14 were more or less mirror images of this type of request and 9
34 of those were basically – and when I say mirror, I mean, there was an existing
35 house that encroached into either one or both of the setbacks, and all of those
36 variances were approved eventually by the City Commission.
37

38 Mr. Noto concluded his presentation by saying, that being said, based on the six
39 variance criteria, staff has found that the Applicant has met all of the criteria to
40 grant the two requested variances with the condition that prior to the issuance of
41 a Certificate of Completion, the Applicant shall provide compensating storm
42 water storage for any construction that extends into the 100-year flood line,
43 elevation 44.6' contour line, which is noted in the Staff Report.

1 Chairman Hawkins commented that it appears that there are trees located in the
2 compensating storage area.

3
4 Mr. Noto stated, yes, it appears that way. I would defer that to the contractor to
5 see how he will address that, if there will be necessary removal of any trees.

6
7 Juan (John) A. Omana, Jr., Community Development Director, announced that
8 there was located at the back of the chambers a Quasi-Judicial Sign-In Sheet
9 (see attached) for any interested party to sign in order to be kept abreast of this
10 matter.

11
12 Chairman Hawkins requested the Applicant to come forward and address the
13 Board.

14
15 Theodore (T.J.) Baun, 120 Channel Drive, Lake Mary, Florida 32746, came
16 forward in favor of the proposed variances. He said, this area right in here where
17 the storage would go (indicating) is actually covered by canopy, but your trunks
18 and so forth actually sit to the north of that, and I don't think -- you know, just
19 from my recollection, I doubt there is a trunk within 15 to 20 feet of that, you
20 know, the area that is actually staked out in the yard as the compensating
21 storage for the flood water.

22
23 Chairman Hawkins commented, oh, so it is already staked out. He asked, so,
24 you know where it is?

25
26 Mr. Baun answered, yeah, correct, yeah.

27
28 Chairman Hawkins questioned, so, you are not removing any trees?

29
30 Mr. Baun responded, no, and I – actually, I wouldn't want to anyway.

31
32 Chairman Hawkins asked, do you have anything further to add to Mr. Noto's
33 presentation?

34
35 Mr. Baun replied, no, I don't think so.

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

39
40 **MOTION:**

41
42 **Member Cartmill moved to recommend approval to the Mayor and City**
43 **Commission the request by Theodore Baun for two variances from § 160.07**

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1 (A) and §160.07 (B) (2) (b), City Code of Ordinances, to construct a swimming
2 pool and spa, 120 Channel Drive, Lake Mary, Florida, consistent with staff's
3 seven Findings of Fact listed in the Staff Report and subject to the following
4 one condition. Member Miller seconded the motion. Alternate Schofield was
5 absent. The motion carried unanimously 5-0.
6

7 **CONDITION:**
8

- 9 1. **Prior to the issuance of a Certificate of Completion, the Applicant shall**
10 **provide compensating storm water storage for any construction that**
11 **extends into the 100-year flood line, elevation 44.6' contour line.**
12

13 Mr. Omana announced that this item will move forward to the City Commission at
14 the next available cycle; that staff will let the Applicant know.
15

- 16 B. 2009-CU-02: Recommendation to the Mayor and City Commission for a
17 conditional use to allow a private recreational facility (martial arts academy) in
18 the M-1A (Office and Light Industrial) Zoning District, 105 Commerce Street,
19 Suite 117, Lake Mary, Florida; Applicant: Jae Chon
20

21 Steve Noto, Planner, presented Item B. and the related Staff Report. A colored
22 aerial that is attached to the Staff Report was on the overhead projector. He
23 stated, as was stated, the Applicant is looking to open a martial arts academy at
24 105 Commerce Street. The area is M-1A for zoning and Industrial land use.
25 This type of use is considered a private and retail recreational facility and it is a
26 conditional use in that zoning district. He said, the Applicant -- I believe as a part
27 of the attachments to the Staff Report, we have a business outline that states his
28 proposed hours of operation, which would be Monday, Tuesday, Thursday and
29 Friday starting from 5:00 p.m. to 8:00 p.m. and then also Saturday morning from
30 9:00 a.m. to 11:00 a.m. The Applicant would have less than 12 students per
31 class, which would be dropped off by their parents. He stated, what I want to
32 address -- in the description paragraph on the second page of the Staff Report, it
33 says that the site has 84 parking spaces. There seems to be some type of mix
34 up between information on the Property Appraiser's website, information on our
35 plat and information on a site plan we have because that isn't correct. There are
36 actually 44 parking spaces on the site. That is fine as the building is only 18,000
37 square feet. So, all the parking regulations will be met and they will continue to
38 be met as this type of use would be required to use the same parking equations
39 that would be used if it was the standard office and warehouse type of use. So,
40 we do not see an issue as far as traffic circulation or parking happening if this
41 use were to be approved.
42

1 Mr. Noto said, the Findings of Fact are outlined in the Staff Report. We do find
2 that all of the provisions have been met and we do recommend approval based
3 on those.

4
5 Mr. Noto concluded his presentation by saying, and also there have been two
6 similar requests in the past. Most recently in 2008, there was a Jazzercise-type
7 facility requested at 590 Rinehart, which is just down the street from us. It was
8 approved by the City Commission, and since they have opened, we have not
9 seen any issues when it comes to parking and circulation. Most of their
10 operations have been after-hours anyway, which is more or less what the
11 Applicant has requested to do as well. So, we do recommend approval of the
12 item.

13
14 Juan (John) A. Omana, Jr., Community Development Director, announced that
15 there was located at the back of the chambers a Quasi-Judicial Sign-In Sheet
16 (see attached) for any interested party to sign in order to be kept abreast of this
17 matter.

18
19 Chairman Hawkins requested the Applicant to come forward and address the
20 Board.

21
22 Jae Chon, 2945 Joseph Circle, Oviedo, Florida 32765, came forward in favor of
23 the proposed conditional use.

24
25 Chairman Hawkins questioned Mr. Chon if he had anything further to add to Mr.
26 Noto's presentation.

27
28 Mr. Chon answered, I don't think so, sir.

29
30 Chairman Hawkins opened the hearing to public comment. Hearing none, he
31 closed that portion and entertained board discussion and/or a motion.

32
33 Mr. Noto added, there is only one business operating in this entire building right
34 now.

35
36 **MOTION:**

37
38 **Member Cartmill moved to recommend approval to the Mayor and City**
39 **Commission the request by Jae Chon for a conditional use to allow a private**
40 **recreational facility (martial arts academy) in the M-1A (Office and Light**
41 **Industrial) Zoning District, 105 Commerce Street, Suite 117, Lake Mary,**
42 **Florida, consistent with staff's seven Findings of Fact listed in the Staff**

1 **Report. Member Napier seconded the motion. Alternate Schofield was**
2 **absent. The motion carried unanimously 5-0.**
3

4 Mr. Omana announced that this item will move forward to the City Commission at
5 the next available cycle; that staff will contact the Applicant to confirm the date and
6 time.
7

8 C. 2008-RZ-02: Recommendation to the Mayor and City Commission for a change
9 in zoning from County R-1BB to City R-1B for Huntington Pointe 4A, 4B and 4C,
10 Lake Mary, Florida; Applicant: City of Lake Mary/Community Development
11 Department
12

13 It is noted that Member Miller stated earlier in the meeting that Lake Emma is
14 closed both ways due to a gas leak currently, per the TV news, approximately
15 400 yards south of Huntington Pointe; that if anybody was planning on coming
16 tonight, there may be a conflict.
17

18 Gary Schindler, City Planner, presented Item C. and the related Staff Report. A
19 colored aerial that is attached to the Staff Report was on the overhead projector.
20 He stated, I want you to know that we sent out 210 notices, and in that notice, in
21 bold letters, I put a sentence that said because the R-1B is comparable to your
22 existing zoning, this will have no negative impact upon your property. We have
23 not had one call. So, I don't think the gas leak is deterring anyone from being
24 here. I believe that we are truly trying to come up with a zoning category that will
25 fit the existing properties so that no one will be nonconforming. And, you know,
26 that is what we had before you the last time, was we brought before you the
27 proposed R-1B zoning category. Well, it has gone to City Commission and they
28 liked it; however, they want us to work on adding something that will make sure
29 that it can only be used in very limited locations. So, we are going to come up
30 with some wording that pretty much says that only properties adjacent to I-4 can
31 be zoned R-1B. We are working on the wording. This will go for second reading
32 on the 21st of January.
33

34 Chairman Hawkins commented, adjacent to I-4 and in the southwest quadrant of
35 the property – of the City.
36

37 Mr. Schindler said, be in a development where the first letter starts with H.
38

39 Chairman Hawkins concurred with that.
40

41 Mr. Schindler proceeded by saying, this is the last step in this process that began
42 in April of 2007 with the annexation, and we are very pleased to have this portion
43 of Huntington Pointe in the City and just look forward to finishing this up.

1 Mr. Schindler concluded his presentation by stating, all of the sections of the
2 criteria in A through D are met to support the proposed rezoning and we
3 recommend that you will recommend to the City Commission – you will vote
4 favorably for the proposed rezoning from Seminole County R-1BB to the City of
5 Lake Mary R-1B.

6
7 Juan (John) A. Omana, Jr., Community Development Director, announced that
8 there was located at the back of the chambers a Quasi-Judicial Sign-In Sheet
9 (see attached) for any interested party to sign in order to be kept abreast of this
10 matter.

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 City of Lake Mary/Community Development**
19 **Department for a change in zoning from County R-1BB to City R-1B for**
20 **Huntington Pointe 4A, 4B and 4C, Lake Mary, Florida, consistent with staff's**
21 **Findings of Fact listed in the Staff Report. Member Napier seconded the**
22 **motion. Alternate Schofield was absent. The motion carried unanimously 5-**
23 **0.**

24
25 VIII. Community Development Director's Report

26 Juan (John) A. Omana, Jr., Community Development Director, wished the Board
27 Happy Holidays on behalf of the Community Development Department; that staff
28 has enjoyed working with the Board in 2009 and look forward to what they believe
29 an exciting 2010.

30 Mr. Omana informed the Board that the commuter rail project received a favorable
31 vote and Governor Crist signed off on the legislation, if you will. He stated, with
32 that, that has really set in motion a number of issues relative to the redevelopment
33 of the Downtown and to the Downtown Master Plan as we know it. We will also be
34 looking at modifying our codes to reflect the actions of that potential redevelopment
35 and that material will be coming before you in 2010. So, we are quite excited
36 relative to that whole issue. As you may recall, Chris Mahnken came in for a
37 rezoning. He owns – and I don't have a map with me, but he owns the property
38 adjacent to the police station, which happens to abut the railroad tracks. He
39 approached us and we have reinitiated discussions and he is very excited about
40 pursuing the development of a building there for purposes of serving the station and

1 other ancillary uses. So, we will certainly keep you posted in that regard and,
2 certainly, that is an item that would come before this board.

3 Mr. Omana proceeded to update the Board on actions taken by the City
4 Commission at their meetings since the November 24, 2009, P & Z meeting.

5 Member Miller questioned what was going on on Rinehart Road with the paving
6 work.

7 Mr. Omana responded, Mr. Paster of Public Works is overseeing the paving of
8 Rinehart Road.

9 Member Miller asked, are they going to pave the whole road?

10 Mr. Omana replied, yes, with the stimulus funds that came in from the Obama
11 administration initiative and also International Parkway is going to be a part of that
12 program. I don't have the exact timing of that, but that is what that is about.

13 Member Miller commented about texting while driving being more dangerous than a
14 DUI. He questioned if the City has the capability of enforcing code that prohibits
15 texting while driving in the City of Lake Mary.

16 Mr. Omana answered, that I don't know. That is something we could take up with
17 Chief Bracknell or Deputy Chief Morgan with the police department tomorrow and
18 we can either give you a call or an e-mail.

19 Chairman Hawkins commented, I had asked, oh, maybe six months or a year ago
20 about timing the traffic lights on Lake Mary Boulevard. He asked if that ever went
21 anywhere.

22 Mr. Omana responded, yes, we asked – actually, I asked a number of people over
23 at the County to pursue that. As a matter of fact, as I recall, I was late to a P & Z
24 meeting because of what I felt was bad timing on the signals. I know they had to
25 have done something here on 4th and Lake Mary Boulevard because it was taking
26 forever to get into our downtown area. So, I think there was an adjustment done
27 there. I have not seen any improvement as you move toward the east and further
28 as you go towards I-4. I think it has gotten worse. So, at this point...

29 Chairman Hawkins commented, they are definitely not timed, but it is going to cost
30 some money to put in a computer system that communicates with all the lights and
31 I don't see that they have done that.

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1 Mr. Omana said, we could check again. Also, there has been some turnover at the
2 County in their engineering division and otherwise. So.....

3 Member Miller questioned, you are talking about sequencing the lights so that once
4 you start moving, traffic continues to move instead of waiting for it here, waiting for
5 it there?

6 Chairman Hawkins answered affirmatively.

7 Member Miller commented that at Primera trying to cross Lake Mary Boulevard to
8 go down Lake Emma, they give you a 15-second light and sometimes only three
9 cars get to cross Lake Mary Boulevard.

10 Member Napier added, that left-hand turn onto Greenway at Lake Mary Boulevard,
11 you better be the first three cars or you're not going to make it, and I've seen Lake
12 Mary PD sitting at that corner just for that reason.

13 Mr. Omana confirmed that he saw that, too.

14 Vice Chairman Taylor commented, which leads to three or four people running a
15 red light.

16 Mr. Omana informed the Board that Mr. Noto will make a note to call Mark Bevis
17 with Seminole County traffic engineering tomorrow and staff will raise these exact
18 issues again.

19 Chairman Hawkins commented, or if they are not going anywhere, maybe the City
20 Commission can discuss this at a workshop or something and request it as a city,
21 not just Planning and Zoning complaining.

22 Mr. Omana stated, or staff bringing it up.

23 Chairman Hawkins said, right. Okay.

24 IX. Other Business

25 None

26 X. Reports of Other Members

27 None

28 XI. Adjournment

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3
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5
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7
8

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

Dr. Robert Hawkins, Chairman

Diana T. Adams, Administrative
Secretary