



LAKE MARY CITY COMMISSION

**Lake Mary City Hall
100 N. Country Club Road**

**Regular Meeting
AGENDA
THURSDAY, FEBRUARY 07, 2013 7:00 PM**

- 1. Call to Order**
- 2. Moment Of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: January 17, 2013**
- 6. Special Presentations**
- 7. Unfinished Business**
 - A. Ordinance No. 1479 - Final PUD for Gander Mountain, 3750 Flagg Lane; Brooks and Amaden, Inc./Nicholas Messina, applicant - Second Reading (Public Hearing (Steve Noto, Planner) (Request by applicant to postpone until April 4, 2013)**
- 8. New Business**

- A. Conditional use approval for Grace United Methodist Church to revise a previously approved site plan to allow up to 3,000 square feet of additional building area to be used for classrooms for the existing Voluntary Prekindergarten (VPK) program, 499 N. Country Club Road, Grace United Methodist Church, applicant (Public Hearing (Gary Schindler, City Planner)**
- B. Ordinance No. 1484 - Small scale land use amendment to the City's Comprehensive Plan revising the Future Land Use Designation from COM (Commercial) to HDR (High Density Residential) for an +/- 1 acre tract located on the east side of Rinehart Road adjacent to the Legends Apartments - First Reading (Public Hearing) (Gary Schindler, City Planner)**
- C. Request to reduce Code Enforcement lien from \$34,750.00 plus interest and recording fees to \$18,250.00, for property located at 605 Magnolia Lane; Freddie Crespo, Investors Real Estate, applicant**

9. Other Items for Commission Action

10. Citizen Participation

11. City Manager's Report

A. Items for Approval

- a. Surplus of Parks Unit #527 - Jacobson Tri-King Infield Mower**
- b. Surplus of (5) "Symbol" Pocket PC - Handheld Ticket Writers**
- c. Reappointments to Code Enforcement Board**

B. Items for Information

- a. Update on Rinehart Sports Complex - Financial Numbers**
- b. West Crystal Lake Aquatic Management**

12. Mayor and Commissioners Report

13. City Attorney's Report

14. Adjournment

THE ORDER OF ITEMS ON THIS AGENDA IS SUBJECT TO CHANGE

Per the direction of the City Commission on December 7, 1989, this meeting will not extend beyond 11:00 P. M. unless there is unanimous consent of the Commission to extend the meeting.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY ADA COORDINATOR AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (407) 585-1424.

If a person decides to appeal any decision made by this Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Per State Statute 286.0105.

NOTE: If the Commission is holding a meeting/work session prior to the regular meeting, they will adjourn immediately following the meeting/work session to have dinner in the Conference Room. The regular meeting will begin at 7:00 P. M. or as soon thereafter as possible.

UPCOMING MEETINGS: February 21, 2013

Lowndes
Drosdick
Doster &
Kantor
Reed, P.A.

ATTORNEYS
AT LAW

MIRANDA F. FITZGERALD
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North Eola Drive Office
POST OFFICE BOX 2809
ORLANDO, FLORIDA 32802-2809
miranda.fitzgerald@lowndes-law.com

 MERITAS LAW FIRMS WORLDWIDE

January 28, 2013

VIA E-MAIL DELIVERY ONLY

Mr. John Omana
Community Development Director
City of Lake Mary
911 Wallace Court
Lake Mary, Florida 32795-8445

Re: Request for Continuance--Gander Mountain PUD

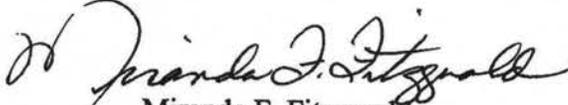
Dear Mr. Omana:

It is necessary that I request a 60-day continuance of the Second Reading on the Gander Mountain PUD that is currently scheduled for February 7, 2013. We have not finalized the insurance provisions for the PUD Developer's Agreement. In addition, LMBT and Gander Mountain are still working on the lease amendment that is needed to address the allocation of responsibilities between themselves.

I would appreciate your continuing this item to the date certain of April 4, 2013 (or the first City Commission hearing in April if it will be a date different from April 4) so that the matter will not need to be readvertised.

Thank you in advance for your cooperation and assistance.

Sincerely,


Miranda F. Fitzgerald

MFF/njf

c: Alan Wallen, Esq.
Sam Verduci, Esq.
Mr. Nick Messina



MEMORANDUM

DATE: February 7, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Gary Schindler, City Planner

SUBJECT: Conditional use approval for Grace United Methodist Church to revise a previously approved site plan to allow up to 3,000 square feet of additional building area to be used for classrooms for the existing Voluntary Prekindergarten (VPK) program, 499 N. Country Club Road, Grace United Methodist Church, applicant (Public Hearing (Gary Schindler, City Planner))

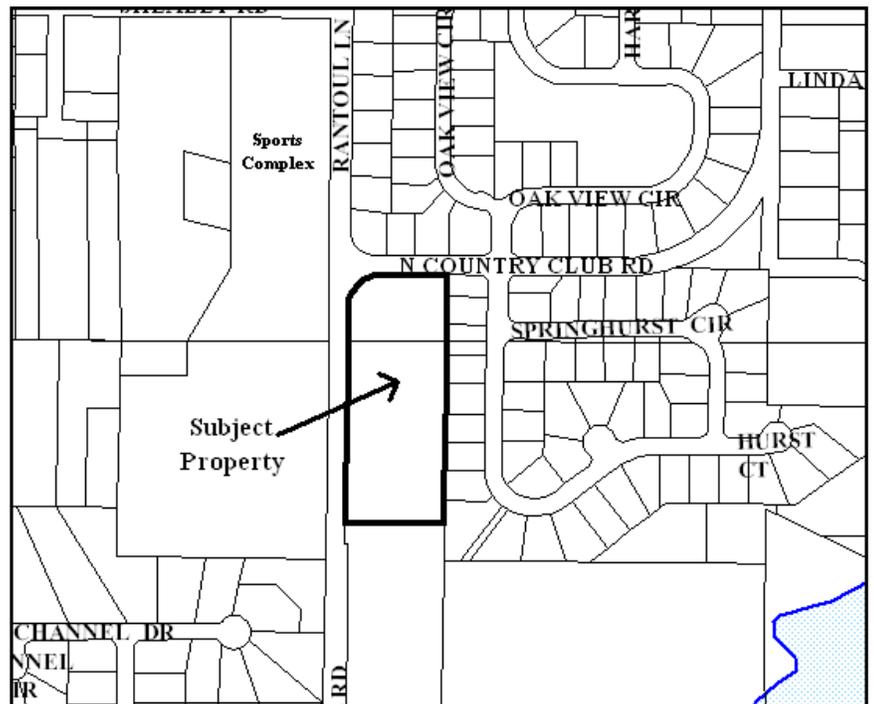
REFERENCE: City Code of Ordinances
City Comprehensive Plan

COORDINATION:
Development Review Committee

REQUEST: The applicant requests conditional use approval for an existing church and Voluntary Prekindergarten program in the A-1 zoning district. Specifically, the conditional use is for the purpose of adding up to 3 buildings, each building not to exceed 1,000 sq. ft. of floor area.

DISCUSSION:

Location: The subject property



is located on the east and south sides of North Country Club Road at the intersection with Rantoul Lane. The street address is 499 North Country Club Road.

Description: The subject property is approximately 4.86 acres in size and is currently developed with a 10,134 square foot church built in 1990. Additionally, there is also a portable building located parallel and south of the existing sanctuary. The applicant proposes to delete the existing portable building and add up to 3 new conventional buildings, each with up to 1,000 square feet of area, for classrooms. These buildings would be located perpendicular to the existing sanctuary. They would serve as classrooms for the existing VPK program. Because the proposed new buildings would not increase the number of students in the VPK program, no additional parking spaces are required.

Background: The City Commission approved the conditional use for the existing church on June 5, 1986. The existing church activities include a kindergarten program. On March 6, 2008, the City approved a conditional use for an 18,890 sq. ft. building, 12 additional parking stalls and a new dumpster enclosure of 142 sq. ft. The church did not act upon the approved conditional use permit and it subsequently expired. Currently, the church is requesting a conditional use to revise their previously approved site plan to add up to 3 buildings, each not to exceed 1,000 square feet of floor area. Pursuant to Chapter 156.02, Site Plan Regulations, any development permitted under a conditional use must additionally undergo the site plan approval process.

Zoning:

NW PUD	N R-1A	NE R-1A
W PUD	SITE A-1	E R-1A
SW R-1A	S A-1	SE A-1

Future Land Use:

NW REC	N LDR	NE LDR
W LDR	SITE LDR	E LDR
SW LDR	S REC	SE REC

FINDINGS OF FACT: § 154.72 of the Code states that before any conditional use permit shall be approved, the City Commission shall make a written finding that the granting of the permit will not adversely affect the public interest, and that satisfactory provisions have been made concerning the following matters, where applicable:

PROVISION No. 1:	
<i>Compliance with all applicable elements of the comprehensive plan.</i>	
FINDINGS OF FACT No. 1:	
Provision met?	The proposal to add up to 3 additional buildings to the existing Grace United Methodist Church site plan complies with all applicable elements of the City's Comprehensive Plan. Churches are permissible in A-1 zoning districts. A-1 zoning is the compatible with the LDR, Low Density Residential, land use designation.
YES	

PROVISION No. 2:	
<i>Acceptable ingress and egress, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.</i>	
FINDINGS OF FACT No. 2:	
Provision met?	The proposed development will not change the existing access to the site. Ingress and egress is provided by two driveways. Sidewalk exists along North Country Club Road for pedestrian convenience and safety. Traffic flow, control and access have been provided in case of fire or catastrophe.
YES	

PROVISION No. 3:	
<i>Acceptable economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.</i>	
FINDINGS OF FACT No. 3:	
Provision met?	The property on the north and east is single family residential. To the south is the City's Liberty Park. To the west and across Country Club Road is a City recreational facility. Economic, noise and odor effects are not anticipated from the church activities. No lighting is being proposed but if proposed in the future it must conform to City Codes. Staff anticipates no negative effects from the proposed development to adjoining properties or other properties.
YES	

PROVISION No. 4:	
<i>Acceptable location, availability, and compatibility of utilities.</i>	
FINDINGS OF FACT No. 4:	
Provision met?	The site has existing infrastructure already in place which is adequate for the proposed development.
YES	

PROVISION No. 5:	
<i>Acceptable screening and buffering.</i>	
FINDINGS OF FACT No. 5:	
Provision met?	The existing and proposed buildings have screening and buffering established during the original construction in 1990. Currently, the subject property does not meet the City's landscape standards; however, there is sufficient area in which to plant additional trees and shrubs. The subsequent site plan shall show the subject property complying with all relevant landscape requirements or the church shall apply for one or more variances.
YES	

PROVISION No. 6:	
<i>General compatibility with adjacent properties and other properties in the district.</i>	
FINDINGS OF FACT No. 6:	
Provision met?	The proposed buildings are compatible with the church use and adjacent properties. The requested buildings are reasonable and in proportion to the existing church. The site is adjacent to other A-1 (Agriculture) zoned property to the south. To the east is the residential community of Springhurst that has an existing six foot brick privacy wall. The north and west sides abut North Country Club Road. To the west of Country Club Road is a City recreational facility. To the north of Country Club Road is the Country Club Oaks residential community. Churches in general are compatible with residential uses.
YES	

FINDINGS OF FACT NO. 7:

Staff finds that the request for a conditional use to allow a church and VPK program within the A-1 zoning district does not adversely affect the public interest and meets the six aforementioned criteria for permitting a conditional use subject to the following conditions:

1. The proposed buildings will be classrooms, which will need a site plan.
2. The site plan for the subject property shall include the following:

Landscape buffers that comply with the relevant standards of Chapter 157 of the City's Code of Ordinances or request a variance for any landscape deficiencies. Incorporate the Police Department's comments.

3. If lighting is proposed in the future, it must comply with all relevant City regulations.
4. The existing temporary building shall be removed from the site prior to the issuance of a Certificate of Occupancy for the first of the three proposed buildings.

SIMILAR CONDITIONAL USE REQUESTS:

The City has approved similar conditional use requests to allow churches in A-1 zoning areas. The Crossings Community Church and Countryside Baptist Church are two examples of churches located within the A-1 zoning district.

PLANNING AND ZONING BOARD: At their regular January 8, 2013 meeting the P&Z voted unanimously to recommend approval of the requested conditional use with the conditions listed above.

ADDITIONAL INFORMATION:

§ 154.72(B) In approving any conditional use, the City Commission may also require appropriate conditions and safeguards as part of the terms under which the conditional use permit is granted. Violations of those conditions and safeguards shall be deemed a violation of this section.

§ 154.73(A) Any conditional use approved as required by this subchapter shall expire one year after the conditional use permit was granted unless a building permit based upon and incorporating the conditional use is obtained within the aforesaid 12-month period.

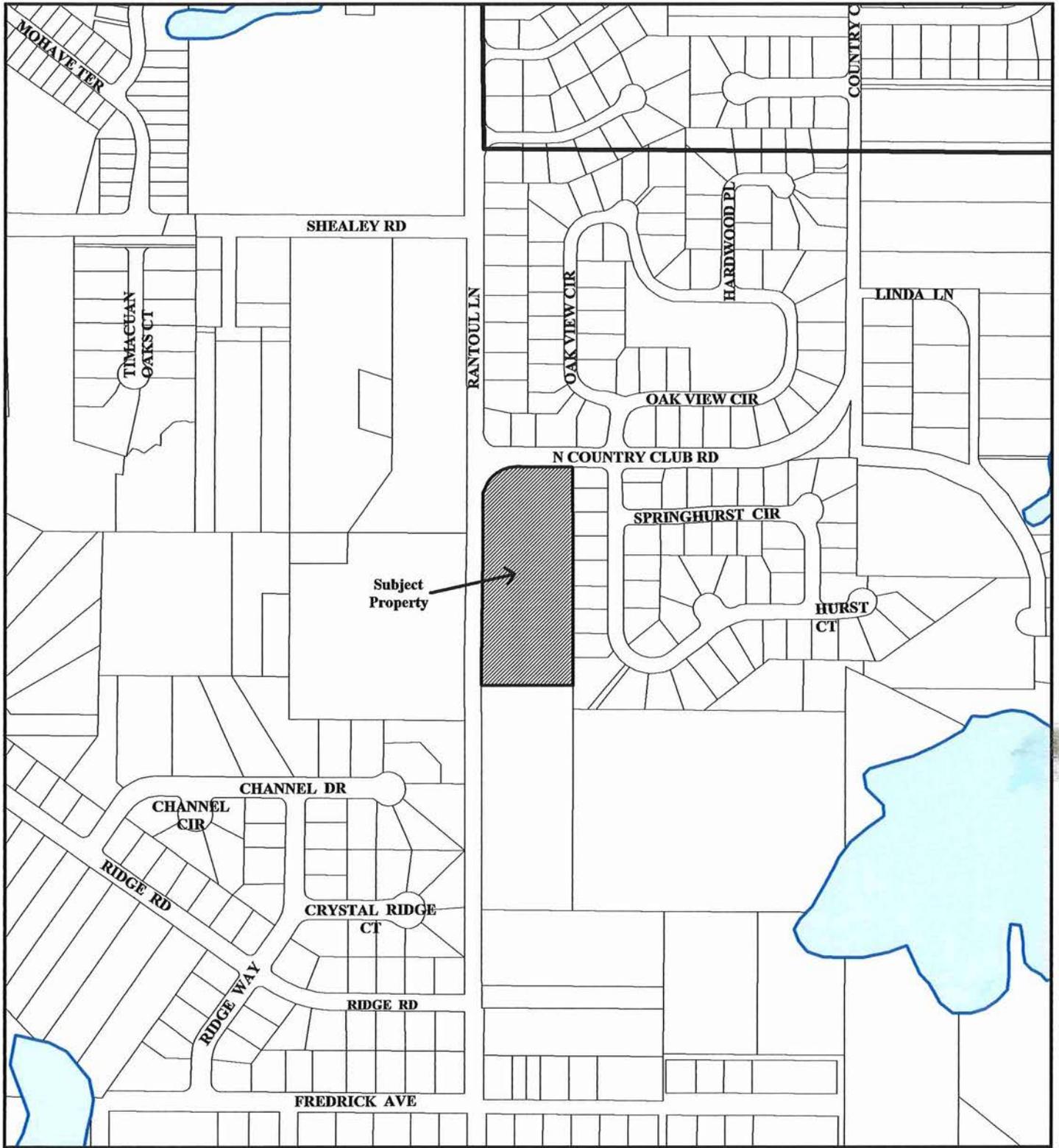
§ 154.73(B) An extension of one additional year may be granted on request of the applicant where conditions have not changed during the first year. The request for the conditional use approval extension must be filed with the city at least 30 days prior to the expiration of the aforesaid 12-month period.

LEGAL DESCRIPTION: Beginning 82 chains south and 35 chains west of the NE corner of Sec 4, Twp 20 South, Range 30 East, run south 11¼ chains, thence run west 5 chains, thence run 11¼ chains north thence run east 5 chains to the Point of Beginning, less the north 15 feet and the west 15 feet for public road and being in Sections 4 & 9, Township 20 South, Range 30 East. Also described as: Beginning at a stake on the NW corner of a certain piece of land containing 20 acres Section 4 & 9 of Township 20 South, Range 30 East deeded by the Trustees of the Florida Land and Colonization Co. Limited Co. Amanda W. Keely, on the 31st day of October 1885 and running west 5 chains to a stake; thence south 11 chains and 25 links thence east 5 chains, thence north 11 chains and 25 links to Point of Beginning. Containing 5.50 acres more or less, hereby reserving 15 feet along north and west sides of the above lands the same to be kept open as half of public roadway forever, the west 5 chains of the north 10 chains of the south 30 chains of Government Lot 2, Section 9, Township 20 South, Range 30 East. The west 5 chains of Government Lot 2, less the north 8 ¼ chains and the south 30 chains, all being in Section 9, Township 20 South, Range 30 East.

ATTACHMENTS:

Location Map
Zoning Map
Future Land Use Map
Aerial Photo
Proposed Site Plan
Minutes

2012-CU-08 Grace United Methodist Church CC

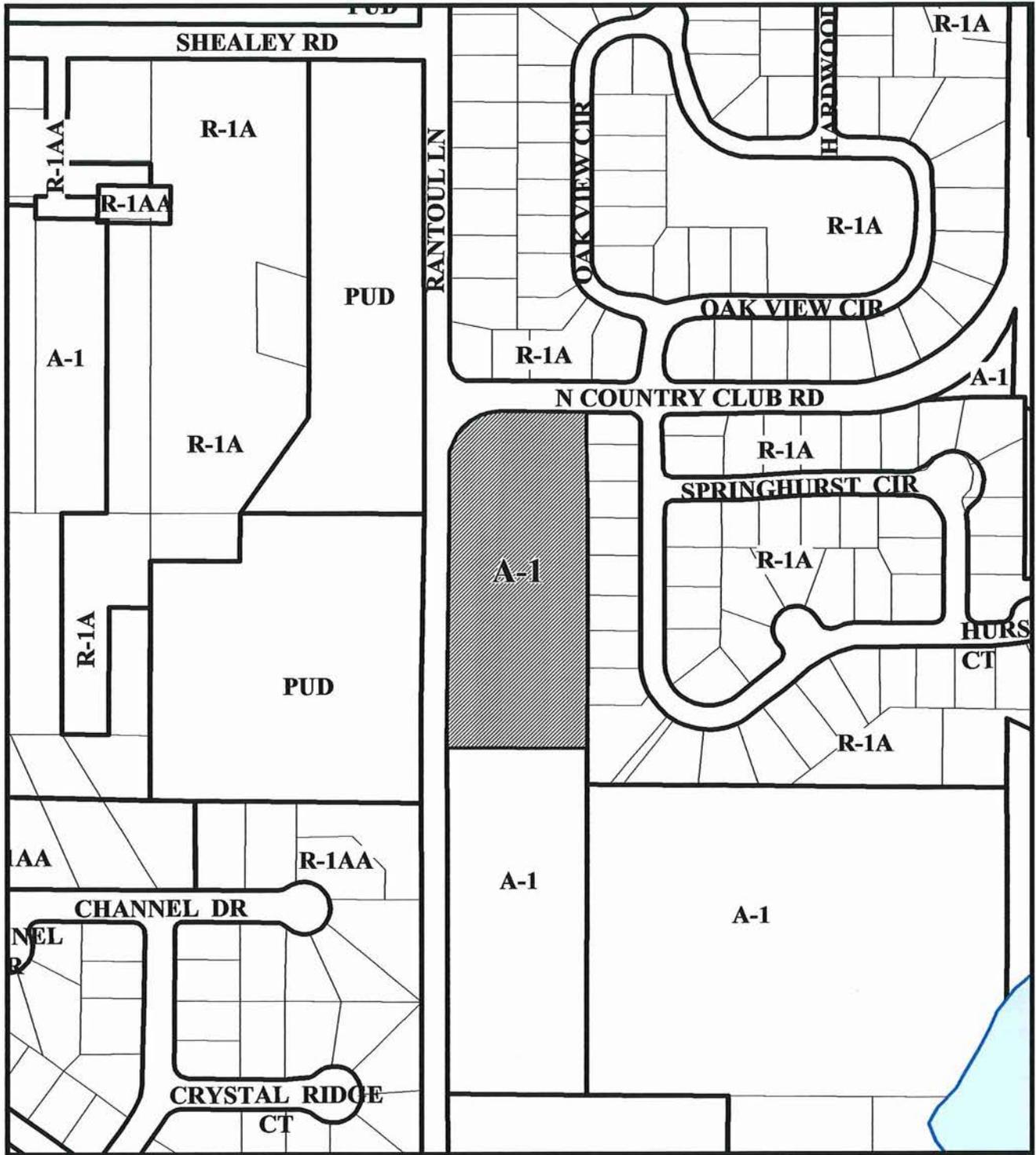


Subject Property



Location Map
Grace United Methodist Church
499 N. Country Club Rd.



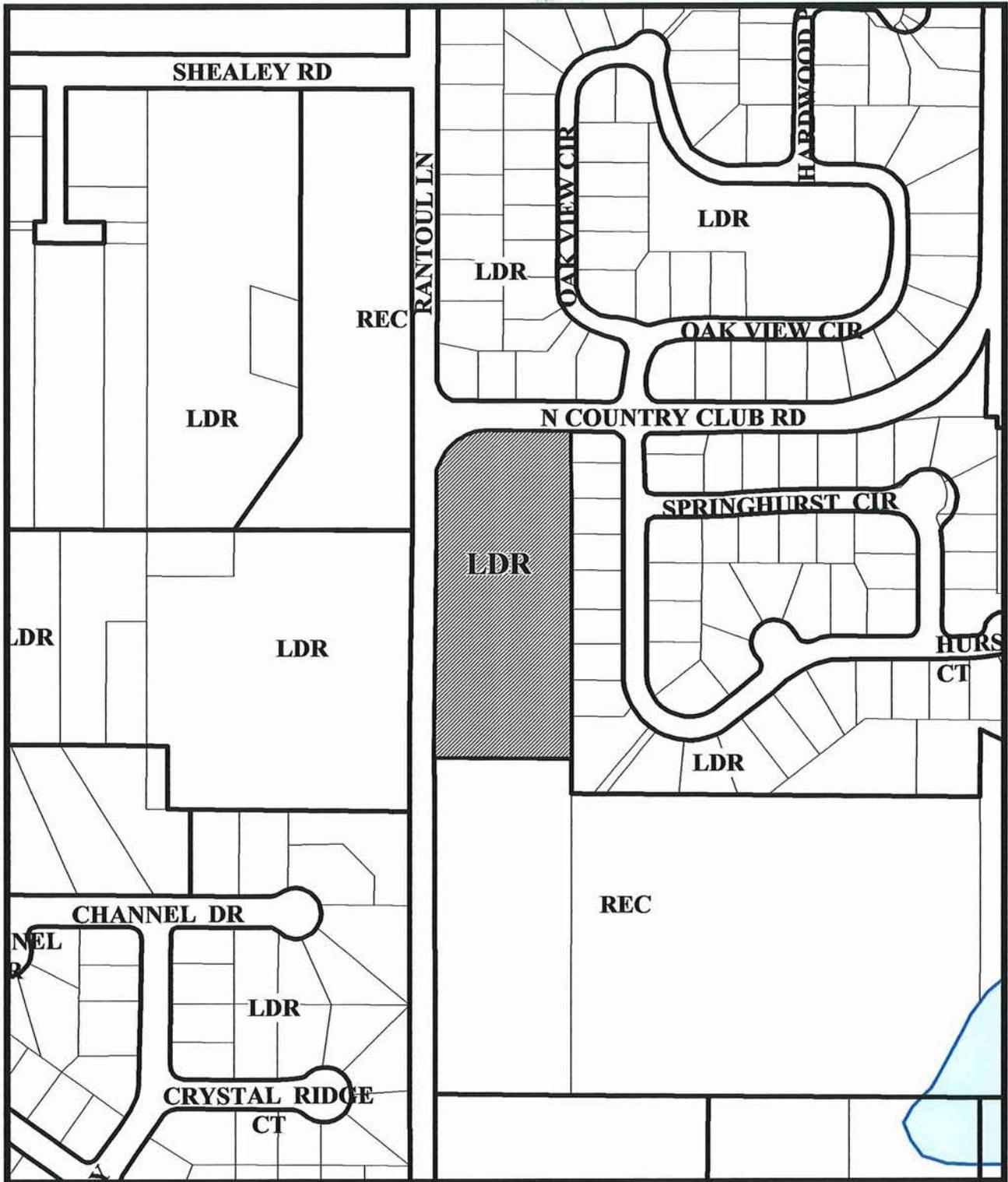


Zoning Map



LEGEND					
A-1	Agriculture	R-1AAA	Single Family	PUD	Planned Unit Development
RCE	Rural Country Estate	R-M	Residential	PO	Professional Office
R-1A	Single Family	R-2	One & Two Family	C-1	General Commercial
R-1AA	Single Family	R-3	Multiple Family	C-2	Commercial
				M-1	Light Industrial
				M-2A	Industrial
				DC	Downtown Center
				GU	Government Use
				SC PUD	Sem. Cnty PUD





Future Land Use Map



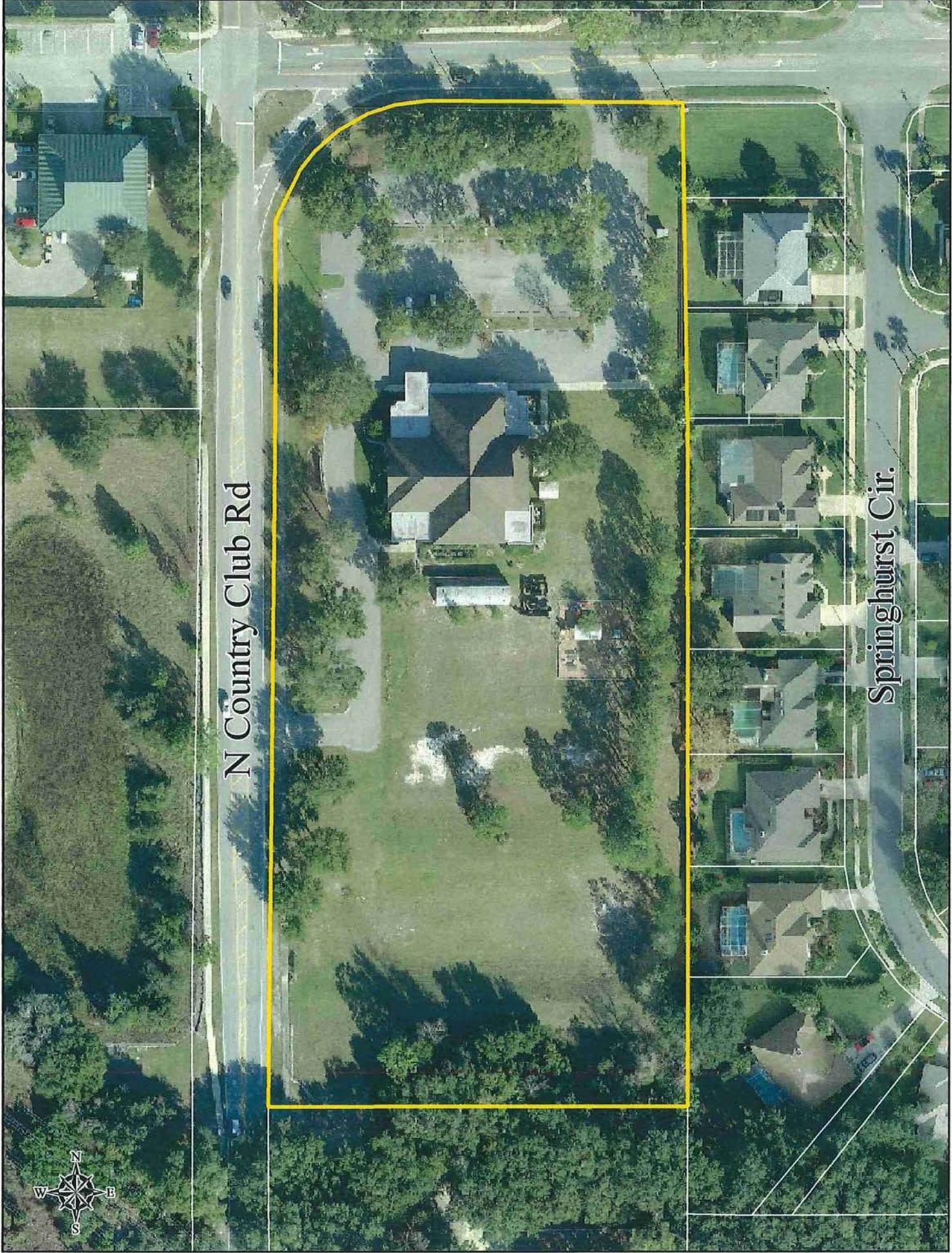
RR Rural Residential	OFF Office	PUB Public / Semi-Public Lands
LDR Low Density Residential (Max 2.5 DU / Acre)	RCOM Restricted Commercial	DDD Downtown Development District
LMDR Low / Medium Density Residential (Max 4 DU / Acre)	COM Commercial	REC Recreation
MDR Medium Density Residential (Max 6 DU / Acre)	IND Industrial	SC PD Seminole County PD
HDR High Density Residential (Max 9 DU / Acre)	HIPTI High Intensity Planned Development	





N Country Club Rd

Springhurst Cir.



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C. 2012-CU-08: Recommendation to the City Commission regarding a conditional use for an existing church (Grace United Methodist Church) in the A-1 Zoning District to revise a previously approved site plan to allow up to 3,000 square feet of additional building area to be used for classrooms for the existing Voluntary Prekindergarten (VPK) program, 499 N. Country Club Road, Lake Mary, Florida; Applicant: Grace United Methodist Church

Gary Schindler, City Planner, presented Item C. and the related Staff Report. A colored aerial was on the overhead projector. He said that the subject property already has a conditional use approval but is being revised because the Code says that every time there is a proposed change to the property, the conditional use must be approved for that specific site plan.

Mr. Schindler stated that what the Applicant proposes to do to this existing, temporary building is they are going to get rid of that and are going to build up to three buildings that are going to be perpendicular to the main church building and parallel to North Country Club and each one of the buildings will be 1,000 square feet. He said that the Applicant does not plan to build all three of them at once, but there will be up to three of them. He stated that when the Applicant comes back with a site plan to the Board, one of the issues that will be dealt with at that time has to do with landscaping.

Mr. Schindler said that three or four years ago, the church proposed a much more ambitious expansion of the church property, which came before the Board but never came to fruition. He stated, at that time, likewise, staff identified a deficiency with the landscaping and, once again, staff is saying the Applicant needs to bring their landscaping up to the minimum, which is a small "a" buffer, to be dealt with at site plan stage, and the Applicant can either comply or can apply for a variance.

Mr. Schindler said that what is currently before the Board is a revision to the approved conditional use, a new conditional use that will address the issue of the proposed three buildings.

Mr. Schindler brought to the Board's attention on page 3 of the Staff Report, under Finding of Fact No. 4, second sentence that reads "The existing dumpster enclosure will be relocated." will be deleted and not be included in the Staff Report that goes forward to the City Commission and the Board is to disregard this at this hearing.

Mr. Schindler stated that staff supports this request; that what they are doing is fine. He said it will be farther away from Springhurst to the east so there will be

DRAFT

1 less impact; that staff feels that this is, in no way, going to increase the degree of
2 impact.

3
4 Mr. Schindler concluded his presentation by saying that staff finds that the
5 request for a conditional use to allow a church and VPK program within the A-1
6 Zoning District does not adversely affect the public interest and meets the six
7 conditional use criteria listed in the Staff Report for permitting a conditional use
8 subject to four conditions (see below under MOTION).

9
10 Member Cartmill asked if the residents of Springhurst subdivision were notified of
11 this hearing.

12
13 Mr. Schindler answered, oh, yes. Everyone within 300 feet.

14
15 Chairman Hawkins requested the Applicant come forward and address the
16 Board.

17
18 Chad Linn, P.E., engineer for the project with Linn Engineering, 3840 St. Johns
19 Parkway, Sanford, Florida, came forward and addressed the Board in favor of the
20 proposed conditional use. He stated that Pastor David Juliano, Applicant, didn't
21 seem to be present for this hearing but he would be available to answer all the
22 Board's questions, if there were any.

23
24 Chairman Hawkins questioned Mr. Linn if he wanted to add anything to Mr.
25 Schindler's presentation.

26
27 Mr. Linn responded, just, technically, they want to build one 1,000 square-foot
28 building and we are going to design the building so, technically, they are just
29 going to add on to the existing building to create eventually three buildings, or a
30 total of 3,000 square feet. The goal is to just build one, but, so, we don't have to
31 come back here later, we propose just to do what they want to do maybe
32 eventually in the future, all three of them.

33
34 Chairman Hawkins opened the hearing to public comment.

35
36 Ingrid Blomgren, 112 Springhurst Circle (Lot 7), Lake Mary, Florida 32746, came
37 forward. She asked the height of the building, will all three buildings be abutting
38 up next to each other, and how far back will they extend onto the church lot from
39 her.

40
41 Mr. Schindler put a reduced copy of a document attached to the Staff Report
42 entitled Site Plan on the overhead projector. He replied that they are probably
43 within 10-12 feet of the existing pavement; that they will be abutting one another;

DRAFT

1 that they will be one story. He said, at this point, staff does not have architectural
2 plans, but the impression that staff has been given is that, since they are going to
3 be used for classrooms, they are not going to have anything more than the
4 standard 8-10 foot high ceilings. He stated that probably the overall height of the
5 building is going to be 16-20 feet.

6
7 Chairman Hawkins questioned, no more than a residential house would be?

8
9 Mr. Schindler answered, right. No more than a residential property.

10
11 Ms. Blomgren said they have enjoyed the church as a good neighbor, as well as
12 the wildlife, and was concerned if the building(s) would obstruct their view
13 because those are premium lots that they paid for.

14
15 Chairman Hawkins stated, it seems to me like the one structure they want to
16 build would be much more pleasing to the eye than the temporary trailer. I think
17 it would be an improvement.

18
19 Ms. Blomgren said, oh, definitely. And much improved from the larger proposed
20 one a few years ago. Thank you for that.

21
22 Hearing no further public comment, Chairman Hawkins closed that portion and
23 entertained board discussion and/or a motion.

24
25 **MOTION:**

26
27 **Member Cartmill moved to recommend approval to the City Commission**
28 **the request by Grace United Methodist Church regarding a conditional use**
29 **for an existing church (Grace United Methodist Church) in the A-1 Zoning**
30 **District to revise a previously approved site plan to allow up to 3,000 square**
31 **feet of additional building area to be used for classrooms for the existing**
32 **Voluntary Prekindergarten (VPK) program, 499 N. Country Club Road, Lake**
33 **Mary, Florida, consistent with staff's seven Findings of Fact listed in the Staff**
34 **Report and subject to the following four conditions. Vice Chairman Taylor**
35 **seconded the motion, which carried unanimously 4-0.**

36
37 **CONDITIONS:**

- 38
39 **1. The proposed buildings will be classrooms, which will need a site plan.**
40 **2. The site plan for the subject property shall include the following:**
41 **a. Landscape buffers that comply with the relevant standards of**
42 **Chapter 157 of the City's Code of Ordinances, or request a variance**
43 **for any landscape deficiencies.**

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- b. Incorporate the Police Department comments.**
- 3. If lighting is proposed in the future, it must comply with all relevant City regulations.**
- 4. The existing temporary building shall be removed from the site prior to the issuance of a Certificate of Occupancy for the first of the three proposed buildings.**

Juan (John) A. Omana, Jr., Community Development Director, announced this item will move forward to the City Commission's February cycle.

QUASI-JUDICIAL SIGN-IN SHEET

H8, 2013
P+2 MEETING

(please print)

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____



MEMORANDUM

DATE: February 7, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Gary Schindler, City Planner

SUBJECT: Ordinance No. 1484 - Small scale land use amendment to the City's Comprehensive Plan revising the Future Land Use Designation from COM (Commercial) to HDR (High Density Residential) for an +/- 1 acre tract located on the east side of Rinehart Road adjacent to the Legends Apartments - First Reading (Public Hearing) (Gary Schindler, City Planner)

REFERENCE: City of Lake Mary Comprehensive Plan.

REQUEST: The applicant requests the revision of the existing Future Land Use Map designation from COM to HDR.

DISCUSSION:

Location: The subject property is located on the east side of Rinehart Road, south of Timacuan Boulevard and north of the entrance to the Legends Apartments.

Description: The subject property contains +/- 1 acre and has the Seminole County Parcel ID # of 05-20-30-512-0000-0010.

Proposed Land Use: The existing COM land use designation of the subject properties is proposed to be revised to HDR (High Density Residential).

Downtown Development District: The HDR land use designation allows for residential development, not to exceed 9 DU/A.

Staff Analysis: In 1995, the City approved a PUD for a parcel of land on the east side of Rinehart Road. The parcel of land included what was developed as the Golfview Apartments and the subject property. Subsequently, the Golfview Apartments became known as the Legends Apartments. At that time, a PUD was required to have two uses. Consequently, the PUD included both the apartments, which have HDR land use, and the vacant 1 acre tract, which has the COM land use.

Subsequently, the minimum requirements for a PUD were revised and, at this time, a PUD need only have 1 use. In light of this, the owner of the apartments and the subject property wants to revise the land use to HDR and construct additional apartment units. .

Zoning:

NW PUD	N PO	NE PUD
W PO * M- 1A	SITE PUD	E PUD
SW M-1A	S PUD	SE PUD

Future Land Use:

NW IND & HT	COM	NE COM
W IND & HT	SITE COM	E HDR
SW IND & HT	S HDR	SE HDR

FACILITIES AND SERVICES:

The City's Concurrency Management System (CMS) will ensure that levels of service will not be degraded beyond the adopted levels of service for all regulated public facilities at the time development of this parcel occurs.

Potable Water, Sewer Service and Reuse Water

Currently, the vacant subject property is proposed to be developed residentially. There are existing water and sewer lines along Rinehart Road and the City has vacant sufficient capacity to serve the proposed HDR development.

Solid Waste

(based on the information from Seminole County, Environmental Services)

The landfill that is utilized by Lake Mary is the Seminole County landfill, which is projected to have an estimated twenty-three (23) years of capacity remaining from the year 2013. The County makes its capacity calculations and projections based on the entire county, which includes the City of Lake Mary. At this time, no development is planned; therefore, a specific contribution to the landfill has not been determined. At the time of development, the impact of the proposed development upon the landfill will be determined and staff will ensure that adequate capacity exists.

Drainage

(based on Chapter 155, Appendix C of the Lake Mary Code of Ordinances)

The subject properties are located in an open drainage basin with a positive outfall. For drainage basins, which do have a positive outfall, the City requires that for post-development conditions, the peak runoff from the twenty-five (25) year frequency, twenty-four (24) hour duration storm be less than is experienced in predevelopment conditions. The subject property meets or exceeds all relevant LOS standards related to stormwater.

Parks

(based upon the City of Lake Mary Comprehensive Plan)

At such time as any redevelopment should occur, the City will ensure that such development complies with the LOS for parks.

Roadways

The proposed land use amendment from COM to HDR should result in a decrease in the number of trips that would be generated from development of the subject property. In light of this, the proposed land use amendment will have a positive impact upon the area roadways.

School Concurrency

(Based on 2007 adopted City of Lake Mary Comprehensive Plan)

The proposed future land use amendment is supported by the Seminole County Schools.

RECOMMENDATION: Staff recommends approval of the proposed Future Land Use Amendments to the City of Lake Mary Comprehensive Plan, from COM to HDR.

LOCAL PLANNING AGENCY: At their regular January 16, 2013 meeting, the LPA voted to recommend approval of the proposed land use amendment from COMM, Commercial, to HDR, High Density Residential.

ATTACHMENTS:

Ordinance

Location Map

Future land use map

Zoning Map

Aerial photo

Legends Future Land Use Amendment document

Minutes

ORDINANCE NO. 1484

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LAKE MARY, FLORIDA; PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION FROM COMMERCIAL (COM) TO HIGH DENSITY RESIDENTIAL (HDR) FOR PROPERTY LOCATED ON THE EAST SIDE OF RINEHART ROAD, NORTH OF WALLACE COURT AND SOUTH OF TIMACUAN BOULEVARD; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.

WHEREAS, Section 163.3161 et seq., Florida Statutes established the Community Planning Act; and

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments; and

WHEREAS, Jim Hall, as applicant for the owner, is desirous of amending the Future Land Use Element of the City of Lake Mary's Comprehensive Plan from COM to HDR to allow for additional residential units on the subject property; and

WHEREAS, on January 16, 2013, the City of Lake Mary Local Planning Agency held a public hearing and recommended that the City Commission approve the proposed amendments to the City of Lake Mary Comprehensive Plan Future Land Use Map; and

WHEREAS, the Comprehensive Plan amendment adopted by this Ordinance complies with the requirements of the Community Planning Act, the State Comprehensive Plan as set forth in Chapter 187, Florida Statutes, as well as other applicable law, and is consistent with the City's Comprehensive Plan.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY AS FOLLOWS:

SECTION 1. Future Land Use Amendment : The portion of the Future Land Use Plan Element referenced as the Future Land Use Map of the Comprehensive Plan of the City of Lake Mary, Florida, is hereby amended to reflect a redesignation of certain real property described below as:

LOT 1 SECURITY PARK REPLAT LOT 3 PB 51 PGS 44 & 45 OF THE OFFICAL RECORDS OF SEMINOLE COUNTY, FLORIDA

The redesignation shall be from City of Lake Mary COM to City of Lake Mary HDR.

SECTION 2. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason, held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative parts therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this ordinance had been adopted without such unconstitutional, invalid and inoperative part therein and if this Ordinance or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

SECTION 3. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 4. Effective Date. This ordinance may not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments may not become effective until the state land planning agency

or the Administrative Commission, respectively issues a final order determining that the adopted small scale development is in compliance.

PASSED AND ADOPTED this 21st day of February, 2013

FIRST READING: February 7, 2013

SECOND READING: February 21, 2013

CITY OF LAKE MARY FLORIDA

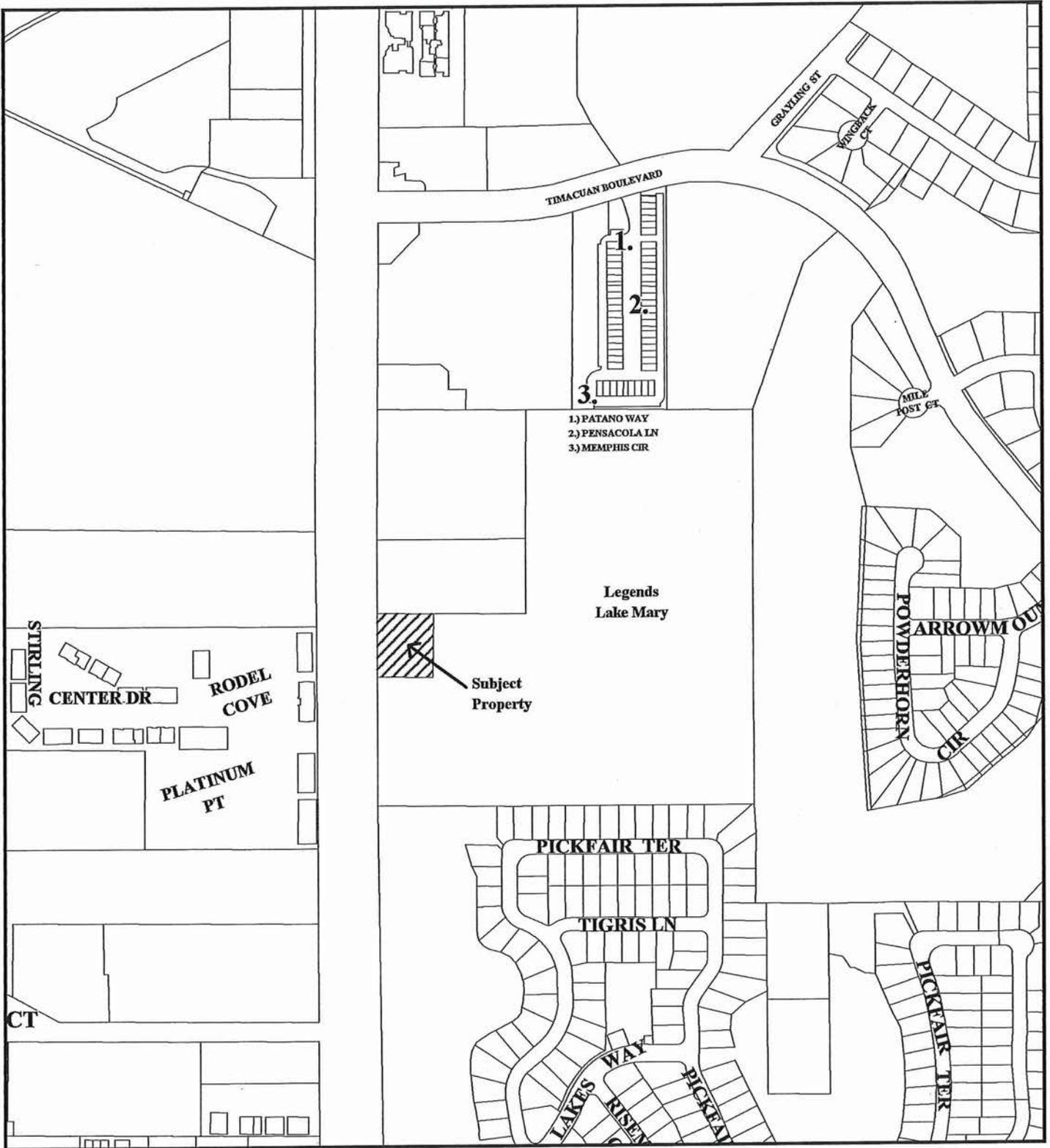
DAVID J. MEALOR, MAYOR

ATTEST:

CITY CLERK, CAROL A. FOSTER

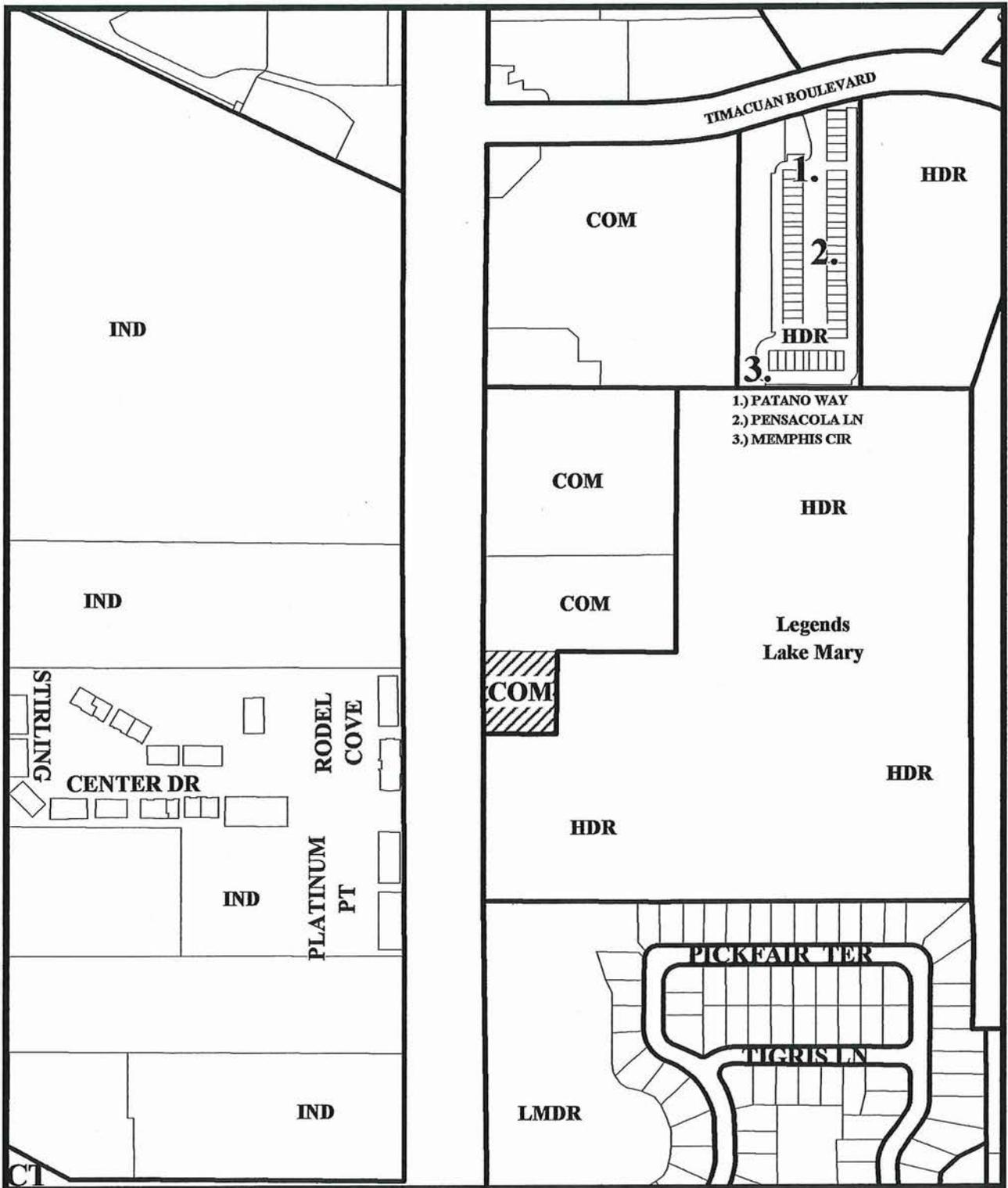
FOR THE USE AND RELIANCE OF THE CITY OF LAKE MARY ONLY
APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY, CATHERINE D. REISCHMANN



Location Map Legends Lake Mary

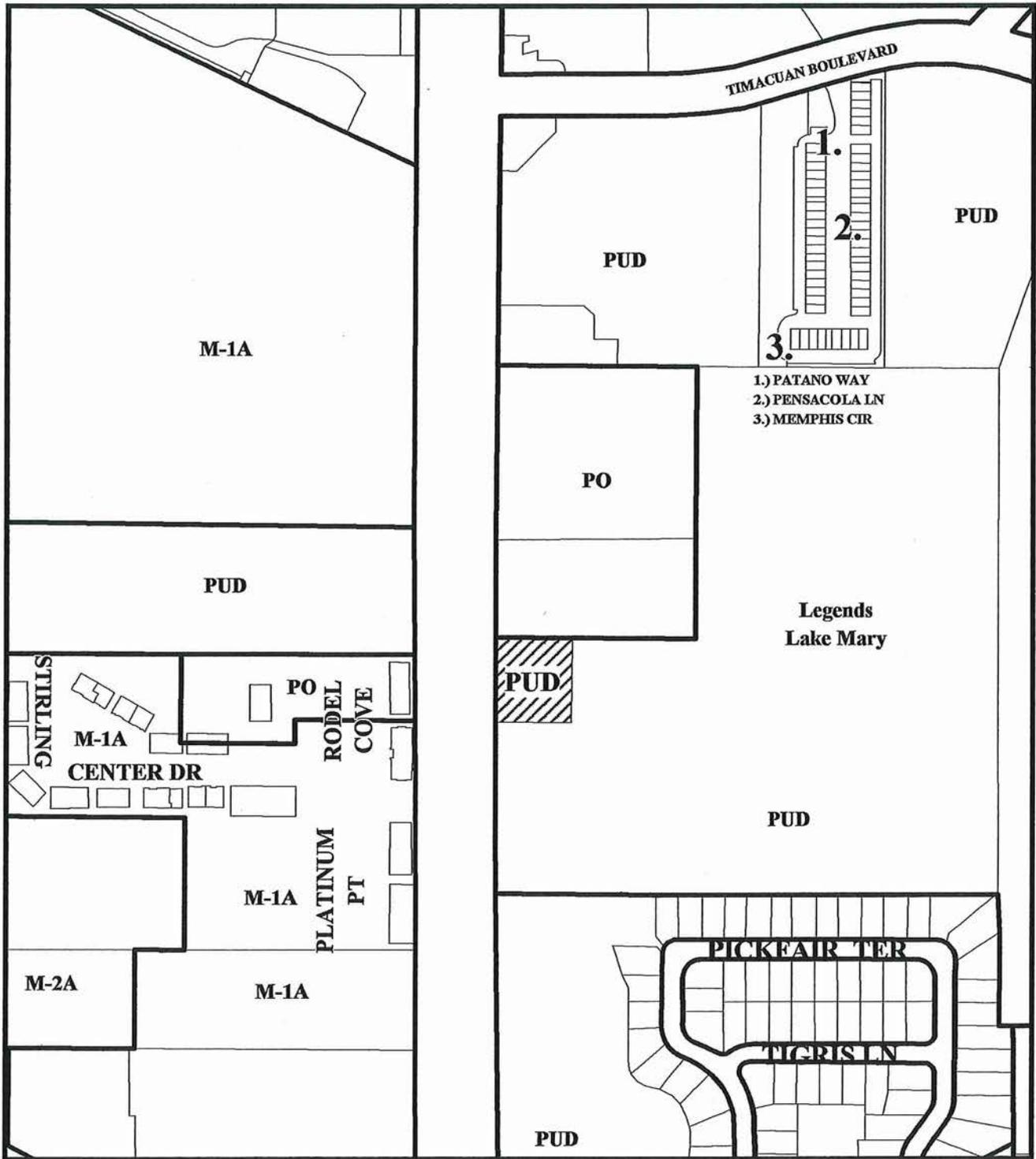




Future Land Use Map

RR Rural Residential	OFF Office	PUB Public / Semi-Public Lands
LDR Low Density Residential (Max 2.5 DU / Acre)	RCOM Restricted Commercial	DDD Downtown Development District
LMDR Low / Medium Density Residential (Max 4 DU / Acre)	COM Commercial	REC Recreation
MDR Medium Density Residential (Max 6 DU / Acre)	IND Industrial	SC PD Seminole County PD
HDR High Density Residential (Max 9 DU / Acre)	HIPTI High Intensity Planned Development	





Legends
Lake Mary

Zoning Map



LEGEND					
A-1 Agriculture	R-1AAA Single Family	PUD Planned Unit Development	M-1A Light Industrial		
RCE Rural County Estate	R-M Residential	PO Professional Office	M-2A Industrial		
R-1A Single Family	R-2 One & Two Family	C-1 General Commercial	DC Downtown Center		
R-1AA Single Family	R-3 Multiple Family	C-2 Commercial	GU Government Use		
			SC PUD Sem. Cnty PUD		



Rinehart Rd.



Legends

Lake Mary

RECEIVED

NOV 16 '12

LAKE MARY
CDD

FUTURE LAND USE MAP AMENDMENT



November 9, 2012



SUBMITTED BY

MillerSellen

225 E. Robinson Street, Suite 300

Orlando, FL 32801

407.839.4006

Table of Contents

Amendment Description.....	2
Site Conditions	2
Compatibility.....	2
Impacts to Public Facilities.....	3
Consistency with Comprehensive Plan.....	3
Conclusion.....	3

Appendix

Amendment Description

Legends Lake Mary is located in north Lake Mary on Rinehart Road near the interchange with I-4. The overall subject property is approximately 32.7 acres in size and is currently developed as a multi-family community with 260 dwelling units. Currently the property has a future land use of High Density Residential (HDR), with an out parcel designated as Commercial. The property owners wish to add this one acre parcel to the overall property and develop an additional 12 multi-family dwelling units.

This proposed Comprehensive Plan Amendment is to change the one acre outparcel from the Commercial future land use designation to High Density Residential (HDR) future land use designation.

Site Conditions

As previously stated, the overall property is currently developed as on apartment home community. There are 20 two-story, wood framed, concrete slab on grade apartment buildings, totaling 260 units. Additional structures and amenities include a fitness center, pool with Jacuzzi, indoor racquetball court, clubhouse, business center and lighted tennis court. The subject property (parcel ID #05-20-30-512-0000-0010) is approximately one (1) acre in size and is currently undeveloped. Because the proposed amendment affects property less than 10 (ten) acres in size, Section 163.3187 Florida Statutes provides for a small-scale comprehensive plan amendment.

Compatibility

The subject property is part of an area characterized predominately by commercial uses, with residential uses to the south and east of the subject property. The proposed amendment will expand the existing HDR, High Density Residential to include a one acre parcel so that the existing multi-family community can expand to include an additional 12 dwelling units. This additional one acre is owned by the applicant thereby negating concerns of a neighborhood dispute. Other nearby neighbors is a shopping center and a medical office park. Both would benefit by an increase in residents in the immediate vicinity.

Table 1 – Surrounding Conditions

Future Land Use:			Zoning:		
NW IND	N COM	NE COM/HDR	NW PUD	N PO	NE PO/PUD
W IND	SITE COM	E HDR	W PO	SITE PUD	E PUD
SW IND	S LMDR	SE LMDR	SW M-1A	S PUD	SE PUD

Impacts to Public Facilities

The City's Concurrency Management System (CMS) will ensure that levels of service will not be degraded beyond the adopted levels of service for all regulated public facilities at the time development of this parcel occurs.

Potable Water, Sewer Service and Reuse Water

There are utility lines running along Rinehart Road to service the additional apartment building. According to City staffs there are no capacity issues.

Parks

The LOS for neighborhood parks is 1.6 acres per 1,000 population. Currently, the City has a surplus of park acreage.

School Concurrency

An application form for public school impact analysis and concurrency review is being submitted concurrently with this comprehensive plan amendment application. Based on the proposed development program of 12 multi-family units, a total of 3 new students will be generated.

Roadways

Currently, Rinehart Road is operating below level of service. Any new development will have to coordinate with City and County staff to make arrangements for constructing roadway improvements on Rinehart Road.

Consistency with Comprehensive Plan

The proposed amendment is consistent with the Goals, Objectives, and Policies of the City of Lake Mary's Comprehensive Plan, including the following:

Goal: Through the provision of appropriate land uses, promote, protect, and improve the public health, safety, and welfare of Lake Mary's residents, while maximizing economic benefits and minimizing threats to natural and man-made resources.

The subject property is located adjacent to previously developed properties with complimentary uses , and will therefore not have a negative impact on natural resources.

Land Uses Policy 1.4 High Density Residential: This land use is designated to provide multiple family uses such as apartments, condominiums, duplexes, patio or cluster homes at a maximum density of nine (9) dwelling units per acre. The intensity of this district requires that it be located where there is convenient access to collector and arterial roadways and have adequate public and commercial services. This district may serve as a transitional use between non-residential uses and residential uses of lesser intensity.

The subject property is located adjacent to an arterial roadway(Rinehart Road) and has access to existing public infrastructure. Commercial services and employment opportunities are located directly west in the Steering Center development and less than a ½ mile north at the Publix complex on Rinehart Road and Timacuan Boulevard.

Land Uses Policy 1.6 The following table GOP-1 represents the density and intensity maximums, the compatible zoning districts and the facility requirements per specific future land use category. This table shall regulate development within the City of Lake Mary and shall be incorporated into the Land Development Code.

**Table GOP-1. Future Land Use/Zoning Compatibility Chart
Density and Intensity Thresholds & Facility Requirements**

Future Land Use	Maximum Density/Intensity ⁽¹⁾	Compatible Zoning Districts	Facility Requirements
Rural Residential	1 DU/ 1 Acre	A-1, RCE, PUD, GU	
Low Density Residential	2.5 DU/ 1 Acre	A-1, RCE, R-1AAA, R-1AA, R-1A, PUD, GU	PS
Low/Medium Density Residential	4 DU/1 Acre	A-1, RCE, R-1AAA, R-1AA, R-1A, R-2, PUD, GU.	W, S, R, PS
Medium Density Residential	6 DU/1 Acre	A-1, RCE, R-1AAA, R-1AA, R-1A, R-2, RM, PUD, GU	W, S, R, PS
High Density Residential	9 DU/1Acre	A-1, RCE, R-1AAA, R-1AA, R-1A, R-2, R-3, RM, PUD, GU	W, S, R, PS
Office	≤ 65% ISR	A-1, PO, PUD, GU	W, S, R, PS
Restricted Commercial	≤ 65% ISR	A-1, PO, C-1, PUD, GU	W, S, R, PS
Commercial	≤ 65% ISR	A-1, PO, C-1, C-2, PUD, GU	W, S, R, PS
Industrial	≤ 65% ISR	A-1, PO, M-1A, M-2A, PUD, GU	W, S, R, PS
Downtown Development District	≤ 90 %ISR ⁽²⁾ 18 DU/1 Acre ⁽⁷⁾	PO, C-1, PUD, DC, GU	W, S ⁽³⁾ , PS
Public/Semi-Public	≤ 65% ISR	All Zoning Districts	
Recreation	≤ 65% ISR	All Zoning Districts	
Conservation ⁽⁴⁾	1 DU/5 Acres	GU, A-1 ⁽⁵⁾	
High Intensity Planned Development-Target Industry	≤ 65% ISR & 35% Minimum Open Space 18 DU/1 Acre, < 65% ISR and 35% Minimum Open Space	PUD	W, S, R, PS
High-Tech/Industrial Corridor Protection Area	≤ 65% ISR	A-1, PO, C-1, C-2, M-1A, M-2A, PUD, GU	W, S, R, PS

Facility Requirements

- W - Central Water Service must be available to site prior to development.
- S - Central Sewer Service must be available to site prior to development, except as noted in the Downtown Core area.
- R - Reclaimed Water lines shall be provided throughout the development site to accommodate irrigation demands. Reclaimed service shall be utilized if: 1) service is available within 100 yards of development site; 2) adequate capacity is available to serve the development site; and 3) the service provider approves connection to the system.
- PS - Paved Streets must be utilized for all accesses to development site.

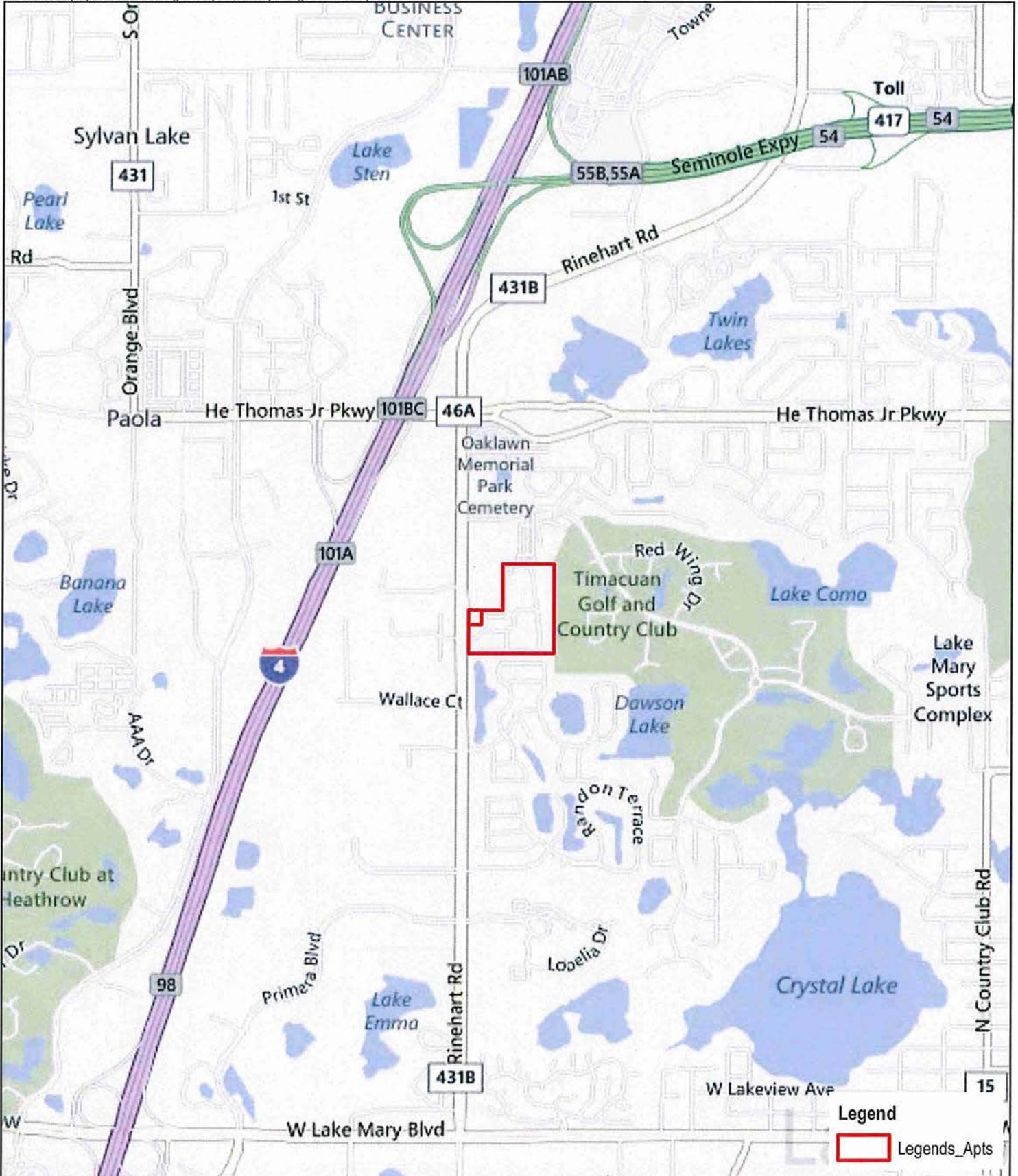
Notes/ Special Provisions:

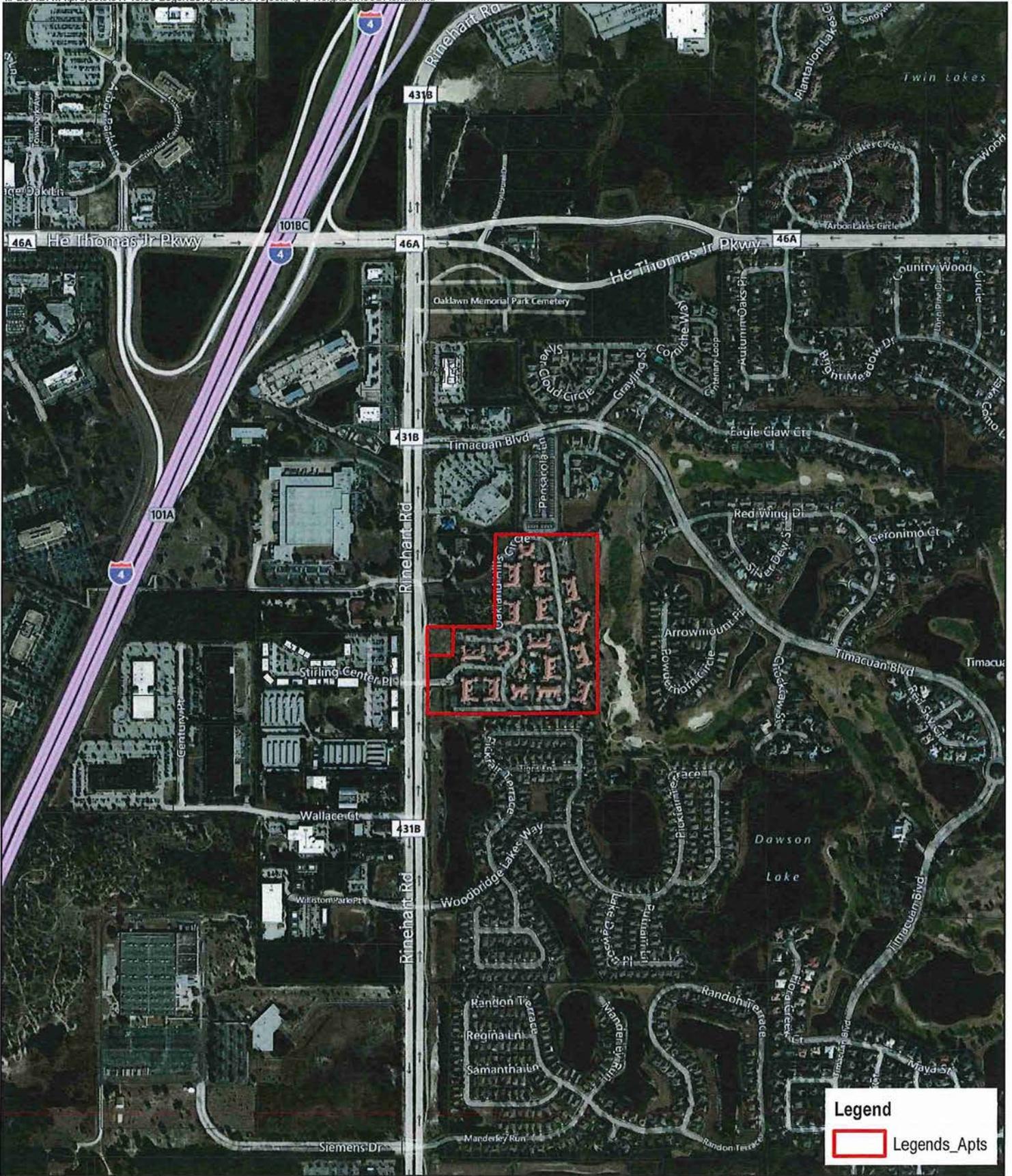
- (1) Density maximums refer to net residential density defined as the number of dwelling units per net buildable acre. Net buildable acre is defined as the development parcel excluding areas devoted to lakes and wetland or flood prone areas and existing rights-of-way.
- (2) To promote development in the Downtown Development Core District the ISR shall be increased to 90% conditioned upon the development site meeting all other land development regulations. Land development regulations which may effect the ISR ratio include, but are not limited to, landscape and buffering requirements, setback requirements, stormwater requirements, and Health Department regulations governing sanitary sewer disposal.
- (3) As part of the Downtown Redevelopment project sewer lines will be installed throughout the Core District as funding is made available. In

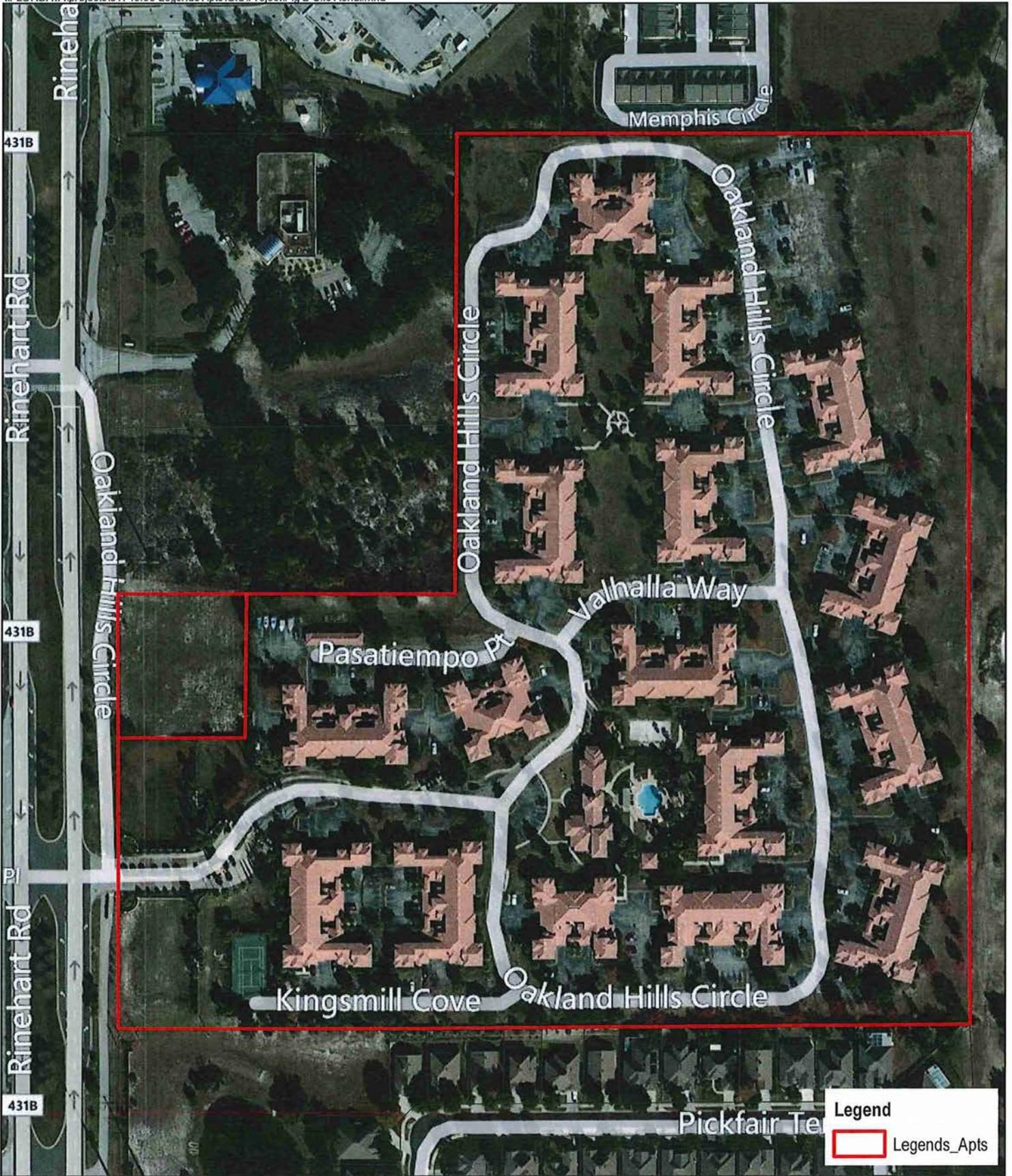
Conclusion

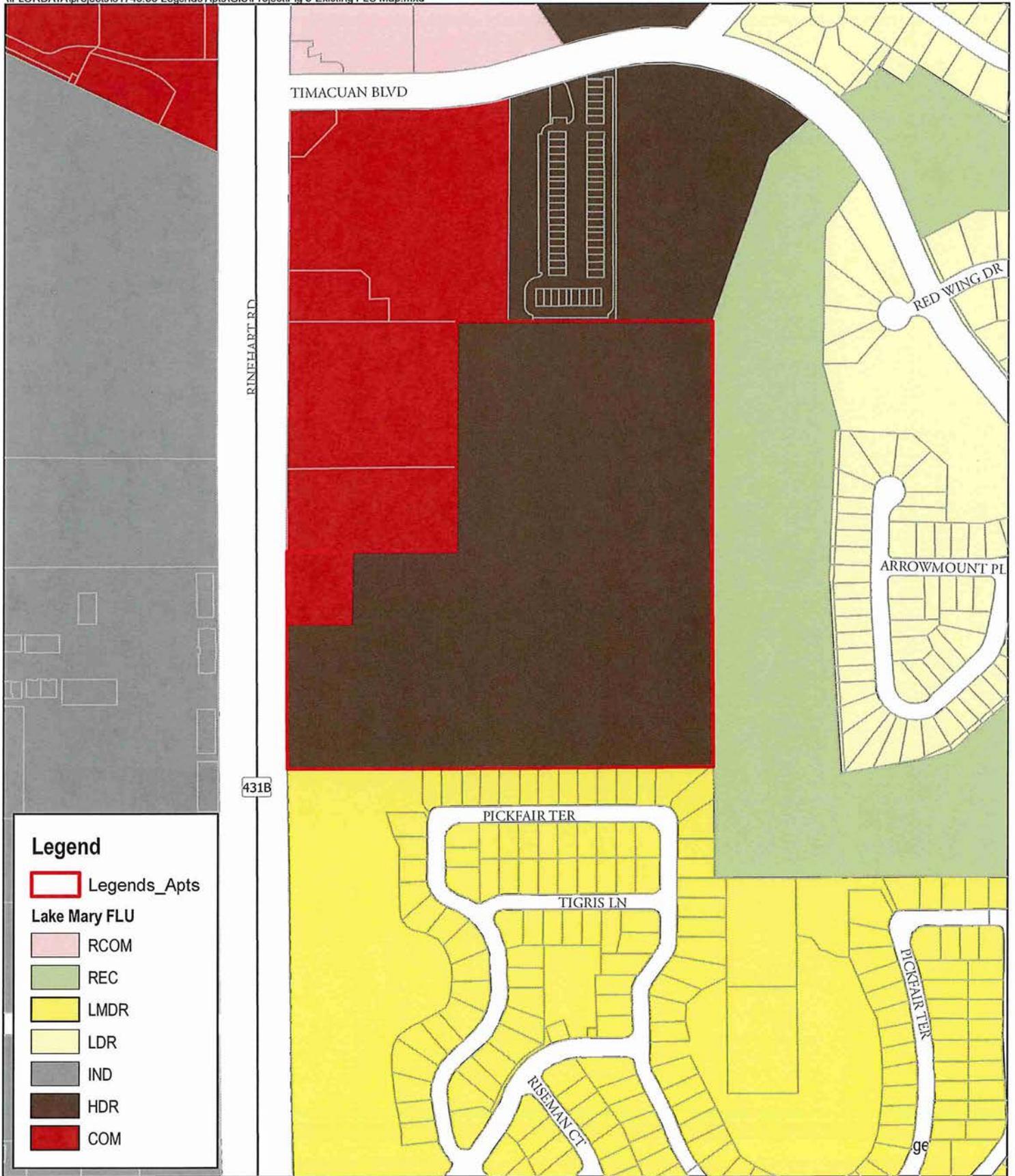
The proposed amendment to the City's FLUM is consistent with both the City's comprehensive plan and the City/County JPA. It results in a net reduction in impacts to public facilities while allowing for the logical extension of utilities. The proposed future land use designations are compatible with adjacent uses and would further both the City and County's vision for the area as a compact, mixed use development node.

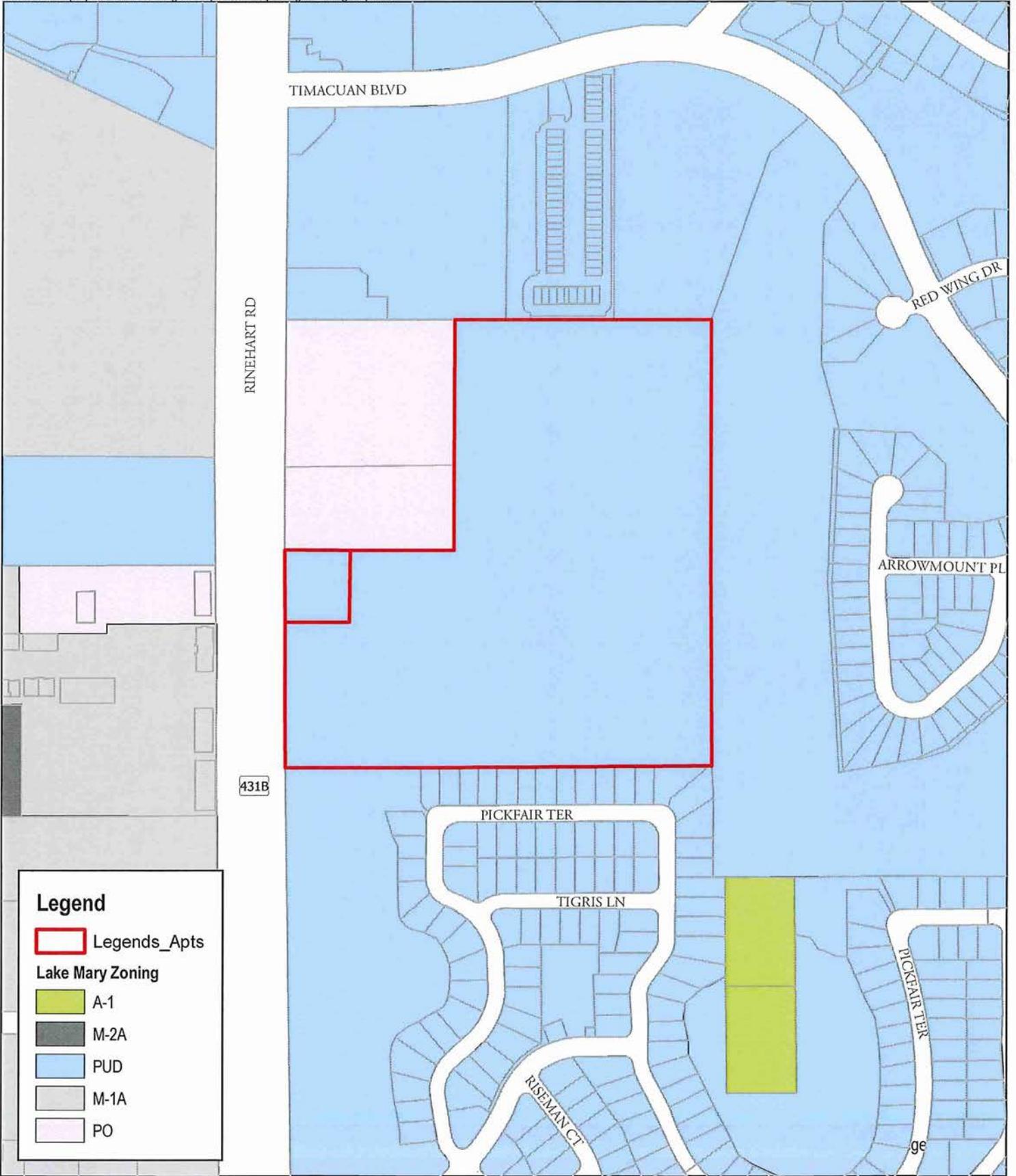
Appendix











Legend

- Legends_Apts
- Lake Mary Zoning**
- A-1
- M-2A
- PUD
- M-1A
- PO

Legends Apartments CPA
Zoning Map
August 2012

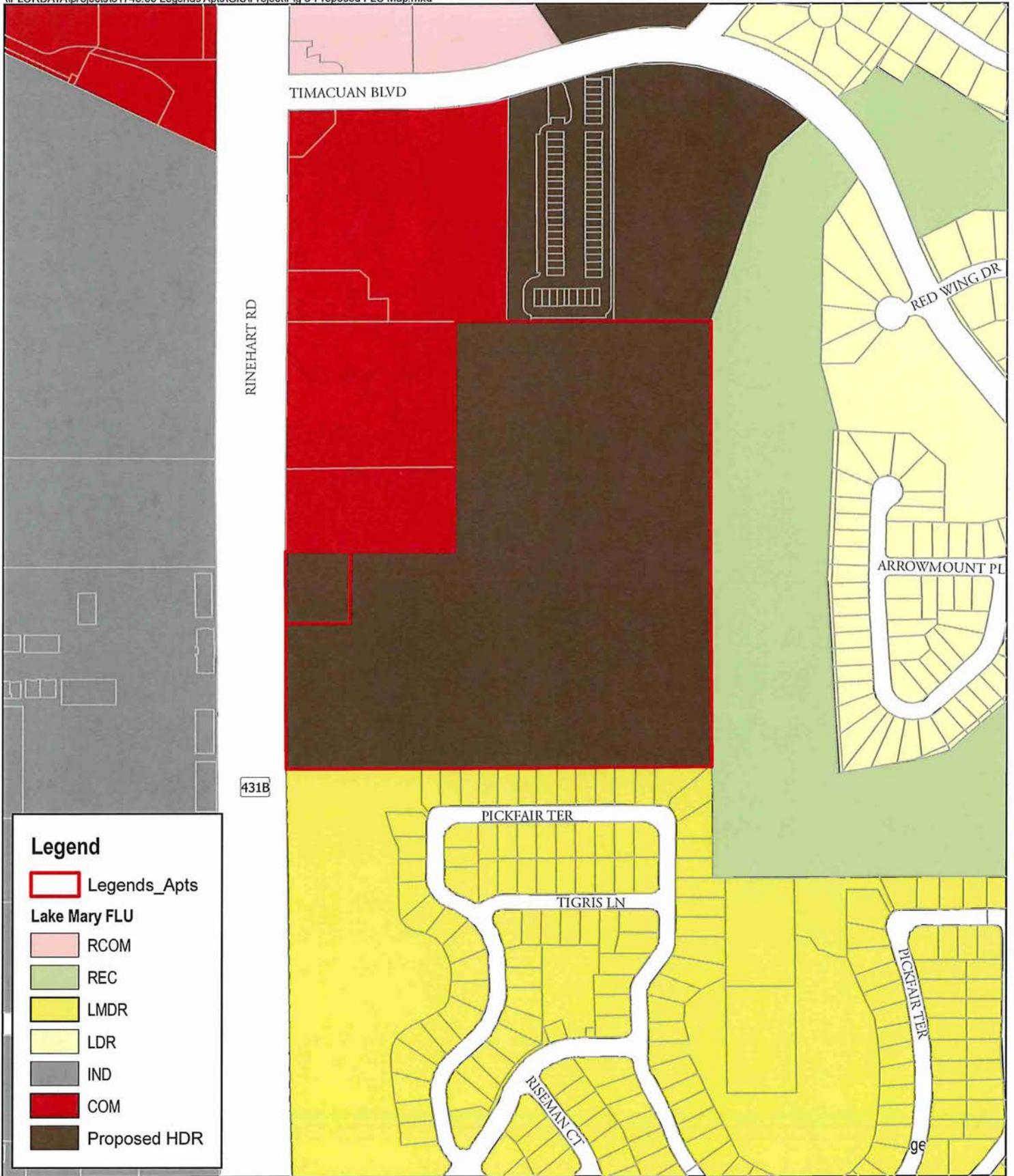
Figure 4

VHB MillerSellen
225 East Robinson Street, Suite 300
Orlando, Florida 32801 | 407.839.4006

0 100 200 Feet



Legend
Legend_Apts

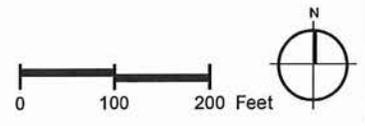


Legend

- Legends_Apts
- Lake Mary FLU**
- RCOM
- REC
- LMDR
- LDR
- IND
- COM
- Proposed HDR

Legends Apartments CPA
 Proposed Future Land Use Map
 August 2012

Figure 6



DRAFT

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, LOCAL PLANNING AGENCY**
2 **MEETING HELD ON JANUARY 16, 2013, 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 6:01 p.m.

8 II. Moment of Silence

9
10 III. Pledge of Allegiance

11
12 IV. Roll Call - Determination of a Quorum

13
14 Chairman Robert Foley

15 Vice Chairman Jeff Bales

16 Member Brian Hess (Late/6:04 p.m.)

17 Member Blair Harle

18
19 Member David Wickham was absent.

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

24
25 Also present who spoke was Jim Hall.

26
27 V. Approval of Minutes - September 19, 2012

28
29 **MOTION:**

30
31 **Vice Chairman Bales moved to approve the Minutes of the September 19,**
32 **2012, Local Planning Agency meeting, as presented. Member Harle**
33 **seconded the motion, which carried unanimously 4-0.**

34
35 VI. Old Business

36
37 None

38
39 VII. New Business

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A. 2012-LU-05: Recommendation to the City Commission regarding a small scale land use amendment to the City's Comprehensive Plan revising the Future Land Use designation from COM (Commercial) to HDR (High Density Residential) for a +/- 1 acre tract located on the east side of Rinehart Road adjacent to the Legends Apartments; Applicant: VHB Miller Sellen for Golfview Apartments, LLC, c/o Rock Construction

Gary Schindler, City Planner, presented Item A. and the related Staff Report. The Location Map attached to the Staff Report was on the overhead projector. He said, Legends Apartments, when they were first constructed, were known as Golfview Apartments. They are a Planned Unit Development. They are High Density Residential, which permits up to nine dwelling units per acre, and Planned Unit Development. When they developed, there was a minimum requirement for a PUD, which was ten acres and two uses. So, they said, okay, well, we have to have a second use, so we are going to take this one-acre tract and we are going to make it Commercial. It will have a driveway directly to Rinehart Road.

Mr. Schindler stated, subsequently, we have revised the requirement for a PUD. Outside of the Downtown, it is five acres and one use. So, they have said, hey, there is not a lot of demand for commercial right now, but we have a big demand for residential; therefore, they want to construct another building. We said, well, in order to do that, you have to change the land use from Commercial to High Density Residential, which will give you up to nine dwelling units per acre.

Mr. Schindler said, and that is what we have before us tonight; a request to take this piece of property (puts black and white aerial on the overhead projector) -- there is the approximate one-acre tract. You can see the Trail there to the left. Directly to the south is the stormwater retention pond. So, there is not going to be any development there. To the north is the office building.

Mr. Schindler stated, so, they have this piece of property and they want to develop it as more apartments. Well, this has some very distinct advantages. For one thing, we will insist that access to it be internal. There will be no direct driveway to Rinehart Road. If it were Commercial, we couldn't do that. Also, the impacts are less residentially than they would be commercially, especially traffic. A multi-family dwelling unit generates about six trips per day. Depending upon the type of commercial -- if it were Office, it would generate a minimum of 11 trips per thousand gross square feet. So, without a doubt, the impacts are less if this develops residentially than if it develops commercially.

Mr. Schindler concluded his presentation by saying, staff has looked at the infrastructure requirements and there is sufficient water and sewer capacity to

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serve the property. We have looked at the report that they have submitted. We concur with the findings of the report. In short, staff recommends approval of the proposed Future Land Use amendment to the City's Comprehensive Plan from Commercial to High Density Residential. I'll be happy to address any questions, but this is pretty straight-forward.

It is noted that Member Hess entered the meeting late here at 6:04 p.m.

Mr. Schindler announced this item is legislative in nature; that a Legislative Sign-In Sheet (see attached) was located at the back of the chambers for any interested party to sign in order to be kept abreast of this matter.

Member Harle asked, once it does go from Commercial to High Density Residential, do we need to take any density credits or anything from another area and move them?

Mr. Schindler answered, no, we don't. The only area in which we would have any density credits would be in the Downtown, so it's not applicable, but there is no problem with this property developing residentially. It doesn't impact any other property.

Chairman Foley requested the Applicant come forward and address the Board.

Jim Hall, Applicant, with VHB Miller Sellen, 225 E. Robinson Street, Orlando, Florida 32801, came forward and addressed the Board in favor of the proposed land use amendment. He indicated on the overhead projector where a driveway will be connecting and where one more residential building will front Rinehart Road. He said the nice thing about not having to do commercial is that they don't even have to cut the Trail, let alone another driveway cut.

Mr. Hall stated that it's just 12 units, so that's only 72 trips a day compared to a convenience store could be thousands; that it's a benefit there.

Mr. Hall said that he has worked with Mike Rigby over at Seminole County Schools, and since apartments generate fairly low school-age children population, Mr. Rigby had no problem with this in that he thought it only generated three elementary school children.

Mr. Hall stated that he is working right with the developer, as they run a really nice apartment complex that's been successful; that they would just like to go ahead and get 12 more units.

DRAFT

1 Mr. Hall said that they will be amending the PUD in the very near future to
2 include the addition of this building on a site plan; that they will be bringing
3 forward a zoning change to match up with this Future Land Use map change.
4

5 Mr. Schindler clarified the record saying, the total number of units that they can
6 get on this property will be determined by the total area of the property times a
7 maximum of nine dwelling units per acre. I can't say they will be able to get 12
8 units. I can't say they won't. That is something they will document to us.
9

10 Chairman Foley questioned, so, it is going to average in with the rest of the
11 existing?
12

13 Mr. Schindler responded, oh, yeah. Right. So, just whatever the total land area
14 is times nine dwelling units per acre is the total number of units they will be able
15 to get.
16

17 Chairman Foley asked, and the southern piece is sufficient in size to take any
18 kind of overflow drainage and so forth?
19

20 Mr. Schindler replied, that is what they will have to show us when they do the site
21 plan, is that the stormwater is sufficient. They may have to enlarge the pond or
22 do stormwater on the subject property, but those details will be addressed.
23

24 Mr. Hall stated, the commercial actually had more impervious. We got kind of
25 ahead of the curve. The developer asked us to look at it so we saw if we could fit
26 the 12-unit building in and we did. When they permitted the storm pond, it was
27 for commercial on that parcel, which has more impervious than the residential
28 building is going to be. So, the pond will be fine. We have done the calculations
29 and we will document that with the PUD. But, the 12 units fit within nine units per
30 acre overall for the whole site, so that is what you will be seeing.
31

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

35 Mr. Schindler said, let me just say that I did receive a telephone call from the
36 office building to the north, and when I explained to them that they were going to
37 change from commercial to residential, they said that that was fine with them.
38

39 Vice Chairman Bales commented that he thought that staff has done, as always,
40 a thorough job going over things, and this is actually going to have lesser of an
41 impact than the commercial would have.
42

43 **MOTION:**

**JANUARY 16, 2013-4
LOCAL PLANNING AGENCY**

DRAFT

1 Vice Chairman Bales moved to recommend approval to the City Commission
2 the request by VHB Miller Sellen for Golfview Apartments, LLC, c/o Rock
3 Construction regarding a small scale land use amendment to the City's
4 Comprehensive Plan revising the Future Land Use designation from COM
5 (Commercial) to HDR (High Density Residential) for a +/- 1 acre tract located
6 on the east side of Rinehart Road adjacent to the Legends Apartments,
7 consistent with staff's Recommendation listed in the Staff Report. Member
8 Hess seconded the motion.

9
10 Chairman Foley requested a roll-call vote on the motion, and was taken as
11 follows:

12
13 Member Hess - Yes
14 Member Harle- Yes
15 Vice Chairman Bales -Yes
16 Chairman Foley - Yes

17
18 The motion carried unanimously 4-0.

19
20 Mr. Schindler announced that this item will move forward to the City
21 Commission's February cycle and will be notifying the Applicant.

22
23 VIII. Other Business

24
25 MOTION:

26
27 Member Hess nominated/elected Jeff Bales as Chairman to the Local
28 Planning Agency for Year 2013. Member Harle seconded the motion.

29
30 Chairman Foley requested a roll-call vote on the motion, and was taken as
31 follows:

32
33 Member Harle- Yes
34 Member Hess - Yes
35 Vice Chairman Bales -Yes
36 Chairman Foley - Yes

37
38 The motion carried unanimously 4-0.

39
40 MOTION:

41
42 Member Harle nominated/elected Robert Foley as Vice Chairman to the Local
43 Planning Agency for Year 2013. Member Hess seconded the motion.

DRAFT

1 Chairman Foley requested a roll-call vote on the motion, and was taken as
2 follows:

3
4 **Member Hess - Yes**

5 **Member Harle- Yes**

6 **Vice Chairman Bales -Yes**

7 **Chairman Foley - Yes**

8
9 **The motion carried unanimously 4-0.**

10
11 IX. Reports of Other Members

12
13 None

14
15 X. Adjournment

16
17 The meeting was adjourned at 6:17 p.m.

18
19
20
21
22 _____
23 Robert Foley, Chairman

24 _____
Diana T. Adams, Administrative
Secretary

LEGISLATIVE SIGN-IN SHEET
1/16, 2013
LOCAL PLANNING AGENCY MEETING
(please print)

THOSE SIGNING WILL RECEIVE A COURTESY COPY INFORMATION STATEMENT CONCERNING PUBLICATIONS OF DCA'S NOTICE OF INTENT.

Name _____ **Phone No.** _____

Address _____

Item of Interest _____

Name _____ **Phone No.** _____

Address _____

Item of Interest _____

Name _____ **Phone No.** _____

Address _____

Item of Interest _____

Name _____ **Phone No.** _____

Address _____

Item of Interest _____

Name _____ **Phone No.** _____

Address _____

Item of Interest _____

Name _____ **Phone No.** _____

Address _____

Item of Interest _____



MEMORANDUM

DATE: February 7, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Bruce Fleming, Sr. Code Enforcement Officer

SUBJECT: Request to reduce Code Enforcement lien from \$34,750.00 plus interest and recording fees to \$18,250.00, for property located at 605 Magnolia Lane; Freddie Crespo, Investors Real Estate, applicant

The Lake Mary Code Enforcement Board held a hearing on the above styled case, May 15, 2012. The Board found that the property owner, Suntrust Mortgage, had violated the Lake Mary Property Maintenance Code by failure to secure and clean or drain a dirty swimming pool and failure to register an abandoned foreclosed property with the Office of the City Clerk. The property owner was required to bring the property into compliance within 7 business days of the hearing or pay a fine of two hundred fifty (\$250.00) dollars per day for each day the violation continued. The Board convened a compliance hearing on September 18, 2012, and determined that compliance had not been obtained; therefore, the Board ordered the lien be filed.

The Office of Code Enforcement was notified of compliance on October 12, 2012, and a subsequent inspection revealed compliance had been obtained as the swimming pool had been cleaned and the property had been registered as abandoned with the Office of the City Clerk. An Affidavit of Compliance was therefore filed for 139 days of non-compliance with an outstanding balance of \$34,750.00. The filing fees of \$92.50 and interest of \$967.73, calculated at 4% per annum, was also attached for a grand total of \$35,810.23.

On January 29, 2013, the listing agent submitted for a reduction of the outstanding lien to \$18,250.00. An inspection by Code Enforcement revealed the property remains in compliance at this time.

RECOMMENDATION:

This property is in compliance with the Board's order; therefore, staff offers no objection to consideration of abatement of the lien provided full remittance within 30 days of reduction.

CITY OF LAKE MARY

Attn: Honorable Mayor
Lake Mary City Commission
Carol Foster, City Clerk

RE: 605 MAGNOLIA LANE LAKE MARY FL 32746 (Code Enforcement Fine-Lien)

Good evening Honorable Mayor,

Thank you for receiving our request for reduction of the fine-lien for the above property. Subject is ready to close and new buyer can't wait to move in. Subject was giving to us as an assignment by the bank on 08/06/2012. I have attached the BPO order as proof for your records. As per officer Bruce Fleming property was under compliance on 10/12/2012.

What we are offering is to pay the fine for the days that the property was under our management a total of 73 days x \$250 per day total \$18250.00 to clear the lien and close successfully.

We are asking to please present this appeal to the members on February 7th, 2013 during your Meeting.

We are looking forward that you would consider our request to help this buyer move to their new home. Thank you so much in advance and hope to hear from you soon.

Sincerely,



LISTING AGENT

FREDDIE CRESPO
REO and Short Sale Specialist
Licensed Real Estate Executive
Realtor, Property Manager

INVESTORS REAL ESTATE LLC.
Real Estate Brokerage
136 Parliament Loop Ste. 1030
Lake Mary, FL 32746

(407) 688-4355 OFFICE
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08/06/2012

FREDDIE CRESPO

INVESTORS REAL ESTATE, LLC

136 PARLIAMENT LOOP, SUITE 1030

LAKE MARY FL 32746

407-688-4355

freddie@freddiecrespo.com

Dear FREDDIE CRESPO:

Subject:

Fannie Mae REO No. : A1217WC
Fannie Mae Loan# : 1704843130
Property Address : 605 MAGNOLIA LN
LAKE MARY, FL 32746

Mortgagor : CRAVEN DONNA

Foreclosure Sale Date : 08/02/2012

Broker ID# :

Lender Name: FANNIE MAE/NATIONSTAR AS SUBSERVICER
Contact Name: NEW CONTACT
Contact Phone: 4695492000

Lender Loan#: 0596640760

Foreclosure Attorney Name LAW OFFICES OF MARSHALL C. WATSON
Foreclosure Attorney Phone 954-771-5522

Redemption Expiration Date:

Please provide us with a Broker's Price Opinion on the property identified above within 7 days of the above date or the redemption/confirmation expiration date if applicable. Your values should be based on a 90 day marketing time in 'as-is' and 'as-repaired' condition. You should complete all sections of the BPO and provide complete photos of the subject exterior and interior. A photo of each comparable is also required.

Inspect the property, post the applicable notices and rekey according to the REO Sales Guide. Follow the REO Sales Guide for all procedures applicable to this property.

You are also requested and authorized to do the following:

- * Act as our representatives when dealing with a condominium association, Home Owners Association, a management company, or any persons occupying the property.
- * You have our authorization to connect or disconnect any utilities on vacant properties and have them changed into your company's name unless notified by Fannie Mae that specific utilities will be managed by a third party company .
- * Contact the servicing lender noted above and inform them that you are the assigned marketing representative for Fannie Mae.

Fannie Mae is relying upon you to take all appropriate precautions to ensure the health and safety of yourself, your employees and anyone who, in any way, works for you. In dealing with the property, you may come across health and safety issues that give cause for concern. These issues could include risks related to physical damage to the property, criminal activity and environmental concerns, including toxic mold and hazardous substances. You should use reasonable judgment when dealing with health and safety issues. Do not enter upon the property if you believe that doing so will pose a risk to your health or safety.

Additionally, certain low value assets will not be listed for sale and will be directed immediately to Fannie Mae's next Pool Sale Transaction. Should this property be selected, you will receive further instructions for the continued management and revised compensation structure.

If you have any questions or cannot complete this assignment, please call.

Sincerely,

IAN GATES

Phone: 954-745-6835
Fax: 240-699-2376
Email ian_gates@fanniemae.com

Letter 4



CITY MANAGER'S REPORT

DATE: February 7, 2013
TO: City Commission
FROM: Jackie Sova, City Manager
SUBJECT: City Manager's Report

ITEMS FOR COMMISSION ACTION:

1. Surplus of Parks Unit #527 – Jacobson Tri-King Infield Mower. **(ATTACHMENT #1)**
2. Surplus (5) “Symbol” Pocket PC – Handheld Ticket Writers. **(ATTACHMENT #2)**
3. Reappointments to Code Enforcement Board. **(ATTACHMENT #3)**

ITEMS FOR COMMISSION INFORMATION:

1. Update on Rinehart Sports Complex – Financial Numbers. **(ATTACHMENT #4)**
2. West Crystal Lake Aquatic Management. **(ATTACHMENT #5)**



CITY MANAGER'S REPORT

DATE: February 7, 2013
TO: City Commission
FROM: Bruce Paster, P.E., Director of Public Works
SUBJECT: Surplus of Parks Unit #527 - Jacobson Tri-King Infield Mower

DISCUSSION:

Unit #527 is a 2002 Jacobson Tri-King ball field infield mower no longer used by the Parks Department as a spare mower. We recommend declaring Unit #527 surplus and dispose of as appropriate.

RECOMMENDATION:

Request Commission declare Unit #527 surplus, and authorize City Manager to dispose of same.



CITY MANAGER'S REPORT

DATE: February 7, 2013
TO: City Commission
FROM: Steve Bracknell, Chief of Police
SUBJECT: Surplus of (5) "Symbol" Pocket PC - Handheld Ticket Writers

We are requesting approval to surplus (5) "Symbol" Pocket Ticket Writers and (3) charging cradles. The ticket writers are in working order; however, no longer have a purpose here since converting over to the IyeTek programs for ticketing and crash reporting.

*	"Symbol" Pocket Ticket Writers	Serial # 6295520800505
*	"Symbol" Pocket Ticket Writers	Serial # 6284520800490
*	"Symbol" Pocket Ticket Writers	Serial # 6296520801006
*	"Symbol" Pocket Ticket Writers	Serial # 6284520800890
*	"Symbol" Pocket Ticket Writers	Serial # 6289520800005 (Bad Battery)

RECOMMENDATION:

Request Commission declare (5) "Symbol" Pocket Ticket Writers surplus and authorize City Manager to dispose of same.



MEMORANDUM

DATE: February 7, 2013
TO: City Commission
VIA: Jackie Sova, City Manager
FROM: Carol Foster, City Clerk
SUBJECT: Reappointments to Code Enforcement Board

The terms of Allan Hall, Taylor Tremel and Linda Binkley on the Code Enforcement Board expire the end of February. All members are interested in being reappointed if you so desire.

RECOMMENDATION:

Reappoint Allan Hall, Taylor Tremel and Linda Binkley to the Code Enforcement Board for a three-year term.



CITY MANAGER'S REPORT

DATE: February 7, 2013
TO: City Commission
FROM: Steve Noto, Planner
SUBJECT: Update on Rinehart Sports Complex - Financial Numbers

DISCUSSION: At the City Commission workshop of January 17, 2013, staff presented details on the proposed Rinehart Road Sports Complex. At that time, the City Commission directed staff to compile financial impact numbers assuming full build out of the property as an office complex.

Due to the complex nature of the Sports Complex and the existing DRI entitlements, staff is still researching the request and plans to have information prepared for the February 21, 2013 City Commission meeting.



CITY MANAGER'S REPORT

DATE: February 7, 2013
TO: City Commission
FROM: Bruce Paster, P.E., Director of Public Works
SUBJECT: West Crystal Lake Aquatic Management

DISCUSSION: In the past, homeowners located on West Crystal Lake have asked the City for assistance in maintaining the aquatic health of the lake. Public Works has obtained the services of Lake Doctors who performed a free aquatic survey and recommend the addition of grass carp fish to the lake to consume unwanted weeds.

Public Works has used this method in the past with much success in Lake Estella on Country Club Road. The West Crystal Lake Property Owners Association has obtained a permit to stock the lake from the Florida Fish and Wildlife Commission. Public Works will obtain three quotes to stock the lake with grass carp.