

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held June 16, 2016,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake
3 Mary, Florida.

4
5

6 1. Call to Order

7
8

The meeting was called to order by Mayor David Mealor at 7:06 P.M.

9

10 Mayor Mealor said Commissioner Lucarelli has been under the weather. We were
11 hoping that she would be well enough to join us this evening and she sends her regrets.

12

13 2. Moment of Silence

14

15 3. Pledge of Allegiance

16

17 4. Roll Call

18

19 Mayor David Mealor
20 Commissioner Gary Brender
21 Deputy Mayor George Duryea
22 Commissioner Sidney Miller
23 Commissioner Jo Ann Lucarelli – Absent

Jackie Sova, City Manager
Carol Foster, City Clerk
Dianne Holloway, Finance Director
John Omana, Community Dev. Dir.
Steve Noto, City Planner
Tom Tomerlin, Economic Dev. Dir.
Bryan Nipe, Parks & Recreation Dir.
Bruce Paster, Public Works Director
Danielle Koury, City Engineer
Steve Bracknell, Police Chief
Bruce Fleming, Sr. Code Enf. Officer
Wendy Niles, Fire Marshal
Katie Reischmann, City Attorney
Mary Campbell, Deputy City Clerk

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34 5. Approval of Minutes: June 2, 2016

35

36 **Motion was made by Commissioner Brender to approve the minutes of the June**
37 **2, 2016, meeting, seconded by Commissioner Miller and motion carried**
38 **unanimously.**

39

40 6. Special Presentations

41

42 Mayor Mealor said he reached out on behalf of the Commission and the City to Mayor
43 Buddy Dyer and his team early in the week. We extended the fact that he handled the
44 situation with honor and dignity under difficult circumstances and that we stand ready to
45 be of assistance in any way that may be possible. Yesterday we were approached with

1 an opportunity to be helpful. He asked Parks & Recreation Director Bryan Nipe to share
2 what we are about to take part in.

3
4 Mr. Nipe said we have entered into a partnership with a running group that organizes
5 5Ks throughout the region. They are the same group that organizes our Trailblazers 5K
6 in April every year. The race will be a 5K through our Downtown on June 25th at 7:00
7 A.M. All of the proceeds will go towards One Orlando which is the fund set up by Mayor
8 Dyer. The race organizer and the DJ have waived their fees. Our Police Department
9 will provide services at intersections and Parks & Rec will provide services internal to
10 the park. All those proceeds will go to One United. The switch was clicked yesterday
11 around 3:00 P.M. and in one day we have well over 800 people signed up in various
12 ways but at least 650 runners at this point.

13
14 Commissioner Miller asked the fee to run.

15
16 Mr. Nipe said \$30 to run and there is also a virtual portal where if you can't run or can't
17 make it you can donate a minimum of \$20 and they will send you a shirt with an image
18 of the Orlando United 5K logo (copy attached).

19
20 Mayor Meador thanked the Public Safety Department. We will have officers at the
21 intersections and will be directing traffic. He knew there are people signing up this
22 afternoon and wouldn't be surprised if we have close to 1,000 runners. In a matter of
23 moments we were able to respond to a request that he had every reason to believe will
24 be very helpful to the One Orlando Fund and to others. He thanked Mr. Nipe and Ms.
25 Sova.

26
27 Commissioner Miller said he understood there is a concert Tuesday night at UCF where
28 all of the proceeds will go to this fund. There are four country stars that are well known.
29 Ticketmaster has the information and even Ticketmaster has waived their fee. It's not
30 expensive and is about 20 bucks. It will probably sell out if it hasn't already.

31
32 7. Citizen Participation – This is an opportunity for anyone to come forward and
33 address the Commission on any matter relating to the City or of concern to our
34 citizens. This also includes: 1) any item discussed at a previous work session;
35 2) any item not specifically listed on a previous agenda but discussed at a
36 previous Commission meeting; or 3) any item on tonight's agenda not labeled as
37 a public hearing. Items requiring a public hearing are generally so noted on the
38 agenda and public input will be taken when the item is considered.

39
40 No one came forward at this time and citizen participation was closed.

41
42 8. Unfinished Business

43
44 A. Ordinance No. 1545 – Repealing Chapter 132 of the Code of Ordinances
45 entitled "Offenses Against Persons and Property", creating a new Section
46 157.24 "Injuring Shade Trees" and amending Section 4 "Sign Permits and

1 Construction and Maintenance Standards” of Appendix I “Sign Code” to
2 incorporate sign restrictions being repealed – Second Reading (Public
3 Hearing) (Steve Noto, City Planner)
4
5

6 The City Attorney read Ordinance No. 1545 by title only on second reading
7

8 Mr. Noto said the only change is in Section 4 (B) (5) ii of the addition of her on the
9 second line (him/her).
10

11 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1545. No
12 one came forward and the public hearing was closed.
13

14 **Motion was made by Commissioner Brender to approve Ordinance No. 1545 on**
15 **second reading, seconded by Deputy Mayor Duryea and motion carried by roll-**
16 **call vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes;**
17 **Commissioner Miller, Yes; Mayor Mealor, Yes.**
18

19 9. New Business
20

21 A. Request for Reduction of Code Enforcement Lien, 246 Bowling Green Court;
22 Matthew Maskal, applicant (Bruce Fleming, Sr. Code Enforcement Officer)
23

24 Bruce Fleming, Senior Code Enforcement Officer, came forward. The Lake Mary Code
25 Enforcement Board held a public hearing on a case referenced as City of Lake Mary vs.
26 Matthew Maskal at 246 Bowling Green Court. The Board found that the property owner,
27 Matt Maskal, had violated City Code by having an overgrowth of grass and weeds, an
28 accumulation of miscellaneous junk, trash and debris, and an unsecured swimming
29 pool. The Board further found that PHH Mortgage Corporation (the mortgage company
30 for this property) had violated City Code for failure to register the property through the
31 foreclosure process. The property owner and the mortgage company were required to
32 make all corrections cited in the Notice of Code Violation within 21 days of the hearing,
33 July 21, 2015, or pay a fine of \$200 per day for each day the violations continued.
34

35 Mr. Fleming said PHH Mortgage Corporation complied with the Board’s order of July 21,
36 2015 on July 22, 2015 by registering the property as a foreclosure with the Office of the
37 City Clerk. The property owner, Matthew Maskal, remained in violation of the Board’s
38 order for 85 days at \$200.00 a day and accumulated fines of \$17,000.00. A subsequent
39 inspection of the property by Code Enforcement during a routine patrol on November 5,
40 2015, revealed that the property was in compliance of the Board’s order of July 21,
41 2015.
42

43 Mr. Fleming said the property owner contacted the City of Lake Mary on June 1, 2016,
44 seeking a reduction of the outstanding lien. The current outstanding lien for this
45 property is \$17,000.00 in fines, \$537.24 in interest, \$82.50 for filing fees, \$630.00 for
46 attorney’s fees, and \$189.96 for staff time. The total outstanding amount due on this

1 property at this time is \$18,439.70. The administrative costs associated with this
2 property, attorney's fees, filing fees and staff time are at \$902.46.

3
4 Mr. Fleming said the property as of today remains in compliance with the Board's order
5 of July 21, 2015. Staff recommends that the City Commission elect one of the following
6 options:

- 7
8 1. A total reduction of the lien, i.e. you remove the lien and no money owed.
9 2. Reduction of the lien to the administrative costs of \$902.46.
10 3. Reduction of the lien to a level determined by the City Commission.
11 4. No reduction and the lien at \$18,439.70 remains.

12
13 Mr. Fleming said any reduction of the lien amount should require payment within 30
14 days of the Commission's action or the lien should return to the full amount and interest
15 continues to accrue.

16
17 Ms. Reischmann asked Mr. Fleming if this case was still in foreclosure. She shows an
18 active docket.

19
20 Mr. Fleming said he was not aware of the status of the case so far as the foreclosure is
21 concerned.

22
23 Commissioner Brender asked if we were dealing with a bank or with the applicant.

24
25 Mr. Fleming said the request before the Commission tonight for consideration is from
26 the property owner. PHH Mortgage has made no request for consideration from the
27 Commission.

28
29 Commissioner Miller said in the applicant's letter to the City he states he was not
30 notified. He asked Mr. Fleming if he had evidence that he was notified.

31
32 Mr. Fleming said on June 16, 2015, a Certified Notice of Violation was sent to the owner
33 and to the mortgage company. The notice was received by the mortgage company on
34 June 21, 2015. The notice to the owner was returned "unable to forward, moved, no
35 forwarding address" back to his office on June 22, 2015. He then sent notice of the
36 Code Enforcement Board hearing on July 6, 2015, to the owner and to the mortgage
37 company. On July 9, 2015, the notice of hearing was received by the mortgage
38 company. On July 9, 2015, the notice of hearing to the owner was returned "unable to
39 forward, moved, no forwarding address". The property at that time was posted
40 consistent with Florida Statute 152 describing or depicting proper notice in cases of
41 public hearings. One of the ways that is depicted in the statute is certified mail. The
42 next option if certified mail can't be delivered is posting of the property. In order to post
43 the property you have to physically post the property as well as the Office of the City
44 Clerk. That occurred after the notices were returned to him.

1 Mayor Mealor said Commissioner Miller asked a question related to the letter to us
2 requesting a reduction and in there he specifically states there would possibly be no
3 way that he would have received notice under the circumstances. He asked Mr.
4 Fleming if he was aware of that.

5
6 Mr. Fleming said he was not necessarily in a position to say there was no way he would
7 have received notice, but when the applicant comes before the Commission he will be
8 able to speak to that issue.

9
10 Commissioner Miller said the answer he got did not sound like there was confirmation of
11 a two-way communication. He asked if he was correct. He said he knew we followed
12 everything we are legally required to do but there is no confirmation on the part of the
13 applicant that he was notified.

14
15 Mr. Fleming said he did not speak to the applicant until June 1st when the request was
16 made for consideration of reduction of the lien.

17
18 Deputy Mayor Duryea asked if these notices were certified or some way of knowing that
19 somebody accepted them.

20
21 Mr. Fleming answered affirmatively. We are required by statute to send it certified mail.
22 We currently do the electronic return receipt on each certified letter we send out so that
23 before we go to the next level of a case or investigation we verify that the letter or notice
24 was delivered or is being returned to the City. If it is being returned there are certain
25 avenues you must take in order to be consistent with the statute.

26
27 Mayor Mealor said we have to keep in mind that staff has no flexibility and they must
28 follow the statute.

29
30 Commissioner Brender said the lien letters go out and come back. We have done
31 everything that we had to do. He asked the status of the property during that entire
32 time. He asked if it was abandoned, nobody living there, or is there somebody living in
33 there for free. He asked what was going on with the property.

34
35 Mr. Fleming said when he began the investigation of this property, it appeared to be
36 vacant. Vacant properties with overgrowth and accumulations on them are generally
37 indicators that the property is perhaps in foreclosure which prompted him to go forward
38 with the investigation as to the status of the property. In doing so he was able to learn
39 that the mortgage company had filed the foreclosure paperwork prior to June 16th when
40 he started his preliminary investigation thus the letters were sent to both the property
41 owner and the mortgage company. Violations in this case were separate. The property
42 owner is always responsible for the maintenance of the property. If a property becomes
43 abandoned or is part of the foreclosure process the mortgage company is required to
44 register that property with emergency contact information on it so we can have contact if
45 necessary on a 24-hour basis as the case works through the foreclosure process.
46 Foreclosures used to be 60 to 90 days to get a foreclosure done but now can take

1 three, four or five years to work through the process. During that period we would like
2 to be able to contact them and tell them about issues that are occurring on the property.

3
4 Commissioner Brender said we have proof the lien was delivered to the mortgage
5 company. The mortgage company was not able to find the mortgagee to deliver any
6 type of document to them.

7
8 Mr. Fleming said he could not speak on behalf of the mortgage company but in the
9 packets is a return receipt that indicates the mortgage company did receive the notice
10 that was sent out to the company. Also you will find in your packet that after we did not
11 obtain compliance from the property owner as ordered by the Code Enforcement Board,
12 a Compliance Hearing. A compliance hearing is where we take that property back
13 before the Code Enforcement Board and we say you ordered, this, that or the other to
14 occur by this specific date and it didn't happen. Our position is you should proceed with
15 the lien against this property. That is what happened on this property. After that
16 occurred, the bank got more involved with us. The fine was going to be \$200 to the
17 bank as well as \$200 to the property owner. The next day they (the bank) complied with
18 the order of the Board. The bank notified us that they had registered it with the City
19 Clerk's office.

20
21 Commissioner Brender asked who cleaned up the property.

22
23 Mr. Fleming said he proceeded with the compliance hearing and said it was not in
24 compliance so the fine started. He said he was intending on going back and ask the
25 Code Enforcement Board to declare the property a public health and safety hazard and
26 recommend that the City go in and clean it and secure the pool. After notice of that
27 meeting, the bank went out and did all the remediation that we were requesting
28 including removing all trash and debris, cutting the grass, and securing the swimming
29 pool.

30
31 Mayor Mealor asked the applicant to come forward.

32
33 Matthew Maskal, 246 Bowling Green Court, Lake Mary, Florida, came forward. He said
34 the reason the property was in the shape it was is because he was incarcerated. He
35 was incarcerated from July 20th until February 10th. He said he currently owns two
36 homes in Seminole County. The one is Lake Mary is his homestead home and is his
37 family's home. He has another one that is a rental.

38
39 Mr. Maskal said he had never been through this before. He is a certified electrician in
40 the State of Florida. He just went through a tough spot in his life. My mercy is on you
41 guys. He said he wanted to pay his taxes and live in Lake Mary and move on. He said
42 he is going to keep his home. The bank is not going to take his home from him. He put
43 his life savings into that home. It was solely intended for his two-year-old daughter and
44 seven-year-old son and his wife.

1 Mr. Maskal said this would cause tremendous hardship to him. He said he keeps his
2 homes up to date. The inside of the homes is in very good condition. He said he didn't
3 know what to say. It was a tragedy he went to jail, not only on himself but his family. His
4 whole family suffered for it. He said he wanted to move on with his life. He wants to
5 pay his taxes in Lake Mary and see you guys in the street and wave hi and bye. He
6 prayed and hoped that something can be done for this to go away.
7

8 Mr. Maskal said for the grass being cut he had nobody to contact. Everybody turned
9 their backs on him when he was in there. He didn't know about this until recently. He is
10 working with the bank to get the mortgage current. He has an attorney doing so. The
11 way he found out is the attorney did a lien search and found the City of Lake Mary had a
12 lien on it. That's how he knew; otherwise, he would have never known. At the time he
13 and his wife were split up so she wasn't living at the home. She lived in the other home
14 that we own.
15

16 Mayor Meador said he knew this was very difficult for Mr. Maskal and thanked him for
17 the clarification.
18

19 Commissioner Brender asked if both homes were in Lake Mary.
20

21 Mr. Maskal said one is in Lake Mary at 246 Bowling Green Court and the other is in
22 Longwood.
23

24 Commissioner Brender asked the status of the home in Longwood.
25

26 Mr. Maskal said it is rented.
27

28 Mr. Maskal said he's never had this issue. He pulls permits if he needs to get work
29 done. He has done everything the right way and just had a rough spot in his life. He
30 believed in public health and life safety but there has to be another way. He didn't feel
31 this is justice.
32

33 Mayor Meador asked Mr. Maskal if he was ever notified.
34

35 Mr. Maskal said he was never notified.
36

37 Christine Maskal, 1810 Lake George Circle, Longwood, Florida, came forward. We
38 were separated. She said she was also on the homestead of this property. As a part of
39 due process and being notified, she never received notification of this so there was
40 never a chance or opportunity given to be able to fix any type of code enforcement on
41 the property. We were separated. While going through the courts we had a divorce
42 pending. She would have not gone to the house to see a note posted on the door. He
43 has the right of enjoyment of the property just the same as she did hers at the time. He
44 would never ever just leave something to be. We have been residents of Seminole
45 County. We have another house that she owns with her mom. We have never been
46 through this and have never been a nuisance of any kind to the City. We want to

1 maintain our home. The foreclosure is in a frozen status at this point because we are
2 trying to maintain our home and we want to have our kids remain in the Seminole
3 County district where they currently attend school.

4
5 Commissioner Brender said the fact that he didn't get the notification feeds into this. He
6 said he was confused about how somebody just walks away and leaves the house. He
7 said he was confused on that. Based upon what he is hearing, we have generally been
8 forgiving on these liens for the reason we are more interested in having the house
9 cleaned up and lived in. He finds there is some fault in this case from the applicant. He
10 was thinking to forgive the lien but have them pay \$902.46 in administrative costs. He
11 proposed to leave that on the lien to be paid within 30 days.

12
13 Deputy Mayor Duryea said in many cases he had been against reduction in liens for the
14 simple reason that we go to great extent to do everything possible to avoid a lien. In
15 this case if somebody comes and asked him to help them he can't say no. If they don't
16 ask him and expect him to do it then hell is going to freeze over before he does that. In
17 this case the gentleman was not able to be served correctly with the lien. He agreed
18 with Commissioner Brender with the administrative and legal fees.

19
20 Commissioner Miller said there have been a lot of 3 to 2 votes about liens and fees. In
21 this case he was more stressed about this one than usual. He was wondering if the
22 \$900 charge for someone in his situation who stepped to the podium and took a lot of
23 courage to say what he said. He was not sure he was feeling forceful about charging
24 any of it. He was the guy who is usually pounding on the table saying he wants
25 everything. This one sounds like a second chance for a man. We can watch what he
26 does and see if it was worth what we did. He said he was in favor of waiving all the
27 fees.

28
29 Mayor Mealor said the last time an issue of this nature came forward, he ended up
30 writing Mr. Fleming a letter of apology and sharing with his colleagues. We directed Mr.
31 Fleming that the information coming to us had to be very different in the future. This is
32 an exceptional document. He said he had to respect Commissioner Brender and
33 Deputy Mayor Duryea's opinion. He was sorry Commissioner Lucarelli wasn't here. He
34 had to be in agreement with Commissioner Miller under the circumstances. If we are
35 looking at 2 to 2 he asked Commissioner Brender and Deputy Mayor Duryea to
36 consider the comments made by Commissioner Miller.

37
38 Deputy Mayor Duryea suggested to compromise and say if this situation persists in the
39 next six months or a year that the administrative fees will come back and be payable.

40
41 Commissioner Brender said he thought they were limited to 30 days.

42
43 Mayor Mealor said that is Mr. Fleming's recommendation.

1 Mr. Fleming said once the Commission makes a determination—10 days, 30 days or
2 whatever it is—then you are done with it. For it to come back he would have to take it to
3 a hearing.

4
5 **Motion was made by Commissioner Miller to waive all fees.**

6
7 Deputy Mayor Duryea asked if there were any caveats.

8
9 Commissioner Miller answered negatively.

10
11 Commissioner Brender said he wanted caveats.

12
13 **Motion dies due to lack of a second.**

14
15 Commissioner Brender said if we forgive all the fees, this whole thing goes away
16 assuming the house stays in good shape and there are no further calls.

17
18 Mr. Fleming said if you forgive all the fees, it goes away at this moment. If the issues
19 recur then it is a repeat violation and the fine by the Code Enforcement Board will be
20 \$500 per day as opposed to \$200 per day.

21
22 Commissioner Brender said if we have an additional problem can the original \$17,000
23 fine be brought back.

24
25 Mr. Fleming said no.

26
27 Mayor Meador said he respected the caveat comment. We looked at Mr. Fleming's
28 report. The staff time devoted to this item is \$189.96 and thought that might be a
29 reasonable caveat.

30
31 Deputy Mayor Duryea asked if we had to pay attorney's fees.

32
33 Ms. Sova said the City Attorney was paid.

34
35 Commissioner Brender said that was the reason why he left it with the concept that he
36 pay something.

37
38 Mayor Meador said he respected Commissioner Brender's opinion but the gentleman
39 has come to us and said anything would be a financial hardship at this point in time,
40 hence the need to come and ask to please waive.

41
42 Commissioner Brender said he would agree to the staff time.

43
44 **Motion was made by Commissioner Miller to waive all fees except staff time and**
45 **fees of \$189.96 if paid within 30 days or the lien shall return to the full amount and**

1 **interest continues to accrue, seconded by Commissioner Brender and motion**
2 **passes 3 – 1 (Deputy Mayor Duryea voted no).**

3
4 Commissioner Brender said there is now a payment due within 30 days. If this doesn't
5 get paid the whole \$17,000 comes back. He asked if that was correct.

6
7 Mr. Fleming said \$18,439.70.

8
9 Mayor Meador thanked Mr. and Mrs. Maskal for being present and thanked them for the
10 clarification.

11
12 Mayor Meador commended Mr. Fleming on a job well done.

13
14 B. Ordinance No. 1546 – Rezone 1.4 acres of property located at 105 Palmetto
15 Street from R-1A, Residential, to DC, Downtown Centre; John Williams
16 applicant – First Reading (Public Hearing) (Steve Noto, City Planner) (quasi-
17 judicial)

18
19 The City Attorney read Ordinance No. 1546 by title only on first reading.

20
21 Mr. Noto showed the location map on the overhead of the property located at 105
22 Palmetto Street. It is a 1.4-acre property in the expanded Downtown area. We
23 expanded the Downtown Master Plan in 2009. This is a key property at the corner of
24 Palmetto and Lake Mary Boulevard across the street from the SunRail station and the
25 City's newest entry feature into the City and the Downtown. There is currently a single
26 family home on the property that is being rented out.

27
28 Mr. Noto said the current zoning of the property is R-1A. The applicant is requesting to
29 change the zoning category to DC Downtown Centre. All of the future land use in this
30 area is Downtown Development District.

31
32 Mr. Noto said we see this rezoning request as a potential catalyst in the future
33 redevelopment in this part of Downtown. We do not have a site plan under review. The
34 only thing before the Commission tonight is just the rezoning. In the event the applicant
35 provides a site plan then that item will come before the Commission.

36
37 Deputy Mayor Duryea asked if he could assume that even with the Downtown
38 Development District classification that the property would still come under the Lake
39 Mary Boulevard Overlay Standards.

40
41 Mr. Noto answered affirmatively. When it has the DC Downtown Centre zoning there
42 are certain setbacks that are related to that but we will also have to take into account
43 the Gateway Corridor Standards.

44
45 Mr. Noto said we look at the criteria for rezonings under Chapter 154.27. The
46 justification is we see this as a catalyst property in the Downtown. If he had a site plan

1 before you tonight he would have to rezone to DC Downtown Centre anyway. It is
2 something you need to do as a developer in Downtown. We expect over time more
3 properties to rezone to DC Downtown Centre so the impact in the area may seem minor
4 right now but we expect it to continue in the future. The DC Downtown Centre is
5 compatible with the DDD future land use as outlined in the Comprehensive Plan.
6

7 Mr. Noto said the Planning & Zoning Board heard this item at their regular May 24,
8 2016, meeting and unanimously recommended approval 5 – 0 of the rezone request.
9

10 Mr. Noto said staff has found that the Findings of Fact A through D are in support of the
11 rezoning from R-1A to DC and we are recommending approval. He noted the applicant
12 was present.
13

14 Mayor Mealor asked if anyone would like to speak in reference to Ordinance No. 1546.
15 No one came forward and the public hearing was closed.
16

17 **Motion was made by Deputy Mayor Duryea to approve Ordinance No. 1546 on**
18 **first reading, seconded by Commissioner Miller.**
19

20 Commissioner Brender said there are about 12 or 14 lots in that block. He asked how
21 we guide the development. We don't want 14 little office buildings on each lot for a
22 development across from the SunRail Station.
23

24 Mr. Noto said understood. When someone comes into our department and asks us our
25 thoughts on what they want to do, we always start out with the first step meeting with
26 staff. For this request we brought out the exact map and showed the applicant the
27 property on the east side of Lake Street that has Downtown Centre and we spoke to
28 him about that property owner. We told the applicant the same thing we tell most folks
29 coming in asking about this area: aggregation is key. We haven't seen any
30 redevelopment on this side of Downtown but joining up with the neighboring property
31 owners, get something together and let's see if we can do a larger development instead
32 of the one lot by one lot item. Make it more like the TOD plan adopted by the
33 Commission in 2009. We provide that guidance once they enter our front door. We
34 continue to be in discussions with Mr. Williams about this property and what he wants to
35 do. We have talked to him about reaching out to the neighboring properties to see if
36 there is an opportunity to join together and do one application that might take either half
37 the block, the whole block, a quarter of the block. Something to avoid the piecemeal.
38

39 **Motion carried by roll-call vote: Deputy Mayor Duryea, Yes; Commissioner Miller,**
40 **Yes; Commissioner Brender, Yes; Mayor Mealor, Yes.**
41

42 Mayor Mealor said the next three items under New Business, 9.C, 9.D, and 9.E will be
43 discussed simultaneously. We will vote on them separately.
44

1 C. Request for a Preliminary Subdivision Plan for the Griffin Farm Town Center
2 located at 114 Longwood-Lake Mary Road. Applicant: Ms. Jennifer Stickler,
3 P.E., Kimley Horn (Public Hearing) (Steve Noto, City Planner) (quasi-judicial)
4

5 Mr. Noto said he would present these three items simultaneously. He said he would
6 take a moment between each item so the Commission is aware of which agenda item
7 he is talking about. Before he gets into those items, Dr. Tomerlin has a few comments
8 to make about the project.
9

10 Dr. Tom Tomerlin, Economic Development Director, came forward. As an Economic
11 Development Director he will be making comments through that lens. A couple of the
12 goals you might have for someone like him are do what you can to increase the taxable
13 value throughout the City and also create opportunity for the residents. Those are kind
14 of the lens he wanted to present a few items to. He has talked to the Commission
15 before about this and his goal is to introduce this as a prolog and then hand it over to
16 Steve for the street level details.
17

18 Dr. Tomerlin said we have talked before about this item as Midtown as a location within
19 the City of Lake Mary and how this project is going to define what that means. This
20 project will define what it means to be a midtown. We talked about how to capture
21 population, age cohorts we are missing, the 20 to 34 age cohort, the empty nesters as
22 well as the boomers and boomerangs which are the kids that boomerang back. We
23 talked about the market value of the project of \$105 million of construction costs and the
24 market value considerably higher than that. We talked about the jobs created by this
25 project: 400-plus permanent jobs. Those were the retail sector. Not considered a target
26 industry by any stretch of the imagination but they complement our job base here.
27

28 Dr. Tomerlin showed a graphic on the overhead (copy attached). The graphic is looking
29 at the United States as a whole going down to the State of Florida, Seminole County,
30 and the City of Lake Mary and the total jobs. He got those jobs from the Bureau of
31 Labor Statistics across all those geographies. The next column is the number of
32 housing units and got that from the census count. He said what he was doing is
33 dividing the number of jobs that exist within all these geographies by the number of
34 housing units within them and come up with the housing ratio. At the U.S. level there is
35 just over one job for every housing unit in the United States. That's a pretty good
36 benchmark when you kind of assume the United States as a whole is balancing with
37 respect to jobs and housing. In the State of Florida it is a little bit lower but is about 1.0.
38 You can imagine that Florida would be a little less than the nation as a whole because
39 there are a lot of folks that live in the State of Florida that are retired and don't depend
40 on a job to afford that housing unit. Seminole County in its own right is above the
41 national average in terms of number of jobs per housing unit within the County at 1.22.
42

43 Dr. Tomerlin said the last column that really stands out is the City of Lake Mary. The
44 City of Lake Mary has approximately 32,000 jobs. He got that from the state database.
45 These are jobs with a Lake Mary address. We have 6,000 housing units according to
46 the census. The City of Lake Mary has 5.38 jobs per housing unit. We are very jobs

1 rich. He said he didn't want to say housing poor but we do have a high jobs to housing
2 balance which is pretty good and is a good thing to have. He mentioned that one of the
3 goals the Commission might have for him would be to create opportunities for our
4 residents. We do have a lot of opportunity but don't have a lot of residents. He quoted
5 an old adage that was told to him by someone in the housing industry: "Housing is
6 where jobs spend the night."
7

8 Dr. Tomerlin said he wanted to speak to the housing component of this. Every time he
9 is in front of the Commission he talks about commercial land use, office product and the
10 jobs that get absorbed in that office product. We are at a point where we are knocking
11 that ratio down and will probably go down to 5.25 if these 138 housing units go in. It's
12 not a bad thing for the City. He concluded that it's probably a good thing if we could
13 have more of our good jobs, our good opportunities, and spend the night here within the
14 City of Lake Mary instead of the adjacent cities. He turned the presentation over to
15 Steve Noto who will give the ground level details on the project.
16

17 Mr. Noto showed a synopsis of how we got here tonight on the overhead. This is not
18 the first time the Commission has seen this item. We have been before the
19 Commission for comprehensive plan amendments, preliminary PUD, and the final PUD.
20 Since day one we knew we had a special development on our hands. When we started
21 we had a submittal that came in just over 136,000 square feet of commercial space, 300
22 apartments, and 228 townhomes. We went through our regular review process and is
23 around the time we had the comprehensive plan transmittal to the state. The applicant
24 worked with staff through the months and came in for their final PUD submittal. We are
25 looking at about the same amount of commercial square footage but a little less on the
26 apartments and a little less on the townhomes. As we worked through engineering
27 details, traffic review, and other staff comments we ended up with the final submittal
28 with just under 120,000 square feet of commercial space, 265 apartments, and 138
29 single family units.
30

31 Mr. Noto said you notice how it goes from townhomes to single family units. We have a
32 proposal he would talk about later that has 83 townhomes and 55 detached single
33 family units so we don't have a specific townhome community. **(NOTE: David Weekley
34 Homes stated later in the meeting it was 61 attached townhomes and 77
35 detached. See Page 20, Line 9.)** You can see the percentages in reduction from day
36 one to where we were in April for the final PUD approval. He showed a map on the
37 overhead. On the left is the PUD zoning district and on the right is the future land use
38 category of MUMT Mixed Use Midtown. It is already adopted so they have their
39 developer's agreement in place, all of the entitlements are in place, and the property is
40 vested.
41

42 Mr. Noto said this item, 2016-PSP-02, is the preliminary subdivision plan for the entire
43 35 acres. What this application is doing is taking that 35 acres and splitting it into six
44 lots. There are also development programs for Lots 1, 2, 3, 4 and 5 that are tied to this
45 specific application. He showed the development program for Lots 1 through 5 on the
46 overhead. It is very similar to what the Commission has seen in the past with the final

1 PUD master plan. Access is the same and the landscaping is the same. The difference
2 between those two submittals is the final PUD is 30% engineering and what is before
3 the Commission tonight is 100% engineering and there is additional detail on the
4 landscaping and some other items.

5
6 Mr. Noto said for access and transportation, the plan that was before the Commission
7 previously is the same as it is this evening. They are modifying the median cut by the
8 post office, and they are improving the safety of that intersection by adding a raised
9 concrete barrier so it is left turns. It is a long overdue improvement. They are adding a
10 signal at the main entry point of the site from Lake Mary Boulevard. Along with that are
11 the associated turn lanes that go along with the signal. They are increasing the length
12 of the existing turn lanes east of that but prior to Longwood-Lake Mary Road. They are
13 adding a turn lane along Longwood-Lake Mary Road into the site adjacent to The Oaks
14 Plaza.

15
16 Mr. Noto said there are commercial buildings that go along Lake Mary Boulevard. You
17 can see a mixture of retail/residential uses. A reminder that Building D was currently
18 proposed as an Earth Fare grocer and the southernmost commercial building is the 24-
19 hour fitness facility. The building setbacks are all incorporated into the final PUD
20 developer's agreement that was approved in April.

21
22 Mr. Noto showed a snapshot of the landscape plan, Sheet LS-1 from the plans the
23 Commission received. They are going above and beyond landscaping. There are a
24 number of trees on the property now. There are a number of trees that run adjacent to
25 Lake Mary Boulevard and are a number of trees in the medians on Lake Mary
26 Boulevard. One of our concerns was what happens to those trees because that is a
27 nice buffer and is part of the Lake Mary Boulevard Overlay Corridor. They are saving
28 eight of the existing 12 trees that line that frontage. They have to build a road to get into
29 the project and a number of trees have to be removed from the median for access into
30 the project. They have to remove a number of historic trees. However, they are
31 mitigating at a ratio of every historic tree they take out they are going to put in four trees.
32 Those are canopy trees as outlined in our code. Those are placed throughout the
33 perimeter landscaping and within the parking lot landscaping. In addition to that they
34 are providing an entry feature at the northeast corner of the site. He showed a
35 rendering on the overhead. They are placing a number of high quality Medjool palm
36 trees around the fountain and other high end landscaping. We view that as part of the
37 mitigation as a result of the trees that needed to be removed for the project.

38
39 Mr. Noto said for parking for the two apartment buildings they are providing a three-level
40 parking garage that will have 600 parking spaces. The surface parking lot will have
41 over 400 spaces. In all we are looking at over 1,000 parking spaces for this
42 development which exceeds the ratio for normal code and meets the codes they put in
43 place as part of the PUD approval.

44
45 Mr. Noto said from a stormwater perspective, Lots 1, 2, and 3 which are north of the
46 apartment buildings will have underground storage all reviewed by the City Engineer in

1 coordination with the company that manufactures that and with the applicant. Lots 4
2 and 5, the apartments, are draining to the south to the retention pond which is part of
3 the David Weekley project.

4
5 Mr. Noto went back to the transportation. Back at the final PUD stage, we reviewed the
6 full traffic study for this project and it was for a denser project. When we started there
7 was more square footage and residential units and they did the study based on that.
8 City staff reviewed it, our consultant reviewed it, the County reviewed it because Lake
9 Mary Boulevard and Longwood-Lake Mary Road are County roadways, and the County
10 consultant reviewed it. What is shown on the overhead is the resultant improvements of
11 those groups of folks coming together and figuring out what needs to be done as a
12 result of the project. The applicant will continue to coordinate with County staff, if
13 approved, through permitting to get the necessary permits from the County to construct
14 these improvements. In the PUD it does say that these off-site improvements need to
15 be complete before the first CO is issued for any building on the property.

16
17 Mr. Noto said this is the preliminary subdivision plan for the 35 acres. On Monday, June
18 6, 2016, the Planning & Zoning Board unanimously recommended approval 5 – 0 of the
19 preliminary subdivision plan for the Griffin Farm Town Center project. At that same
20 meeting the Planning & Zoning Board unanimously approved 5 – 0 the final subdivision
21 plan for the Town Center project with the one condition that the final subdivision plan
22 cannot be effective until the Mayor and City Commission act on the preliminary
23 subdivision plan at tonight’s meeting. The reason being is the Mayor and Commission
24 do not review the final subdivision plan but as a result of how we went about review of
25 this project, the preliminary and final were heard at the same time at P&Z.

26
27 Mr. Noto said the last finding of fact is staff finds the request for a preliminary
28 subdivision plan for the Griffin Farm Town Center is consistent with the Griffin Farm
29 Midtown PUD developer’s agreement, the City’s Code of Ordinances, and the
30 Comprehensive Plan and is recommending approval.

31
32 Mr. Noto moved on to Item D, 2016-PSP-05, which is a request for a preliminary
33 subdivision plan for the Griffin Farm David Weekley Homes project. This is Lot 6 of the
34 Town Center. This project consists of 138 single family home units. He pointed out the
35 location of the townhomes on the exhibit. We are looking at a design that is similar to
36 Baldwin Park, Avalon Park, and developments in Celebration in Orlando. It is a 17.42-
37 acre property. They are requesting 138 residential units. He referred back to the table
38 he showed at the beginning of the presentation about how this project has moved along
39 and what they have done with the entitlements. This was originally proposed to be a
40 200 unit townhome project. Based on engineering constraints and other considerations,
41 they have come down to 138 units.

42
43 Mr. Noto said this was all reviewed as part of the transportation study that was done for
44 the entire 35 acres. Access to the site is from a gated point. As you come south from
45 the main drive from the Town Center there is a gated access point. There is another
46 gated access point from Longwood-Lake Mary Road. In coordination with the County

1 they have added a left turn lane into the site. If you are heading northbound on
2 Longwood-Lake Mary Road there will be a new left turn lane. They have adequate
3 distance prior to the gate in the event UPS or a guest can't get in, there is room to
4 queue and is a turnaround spot for those who need to try another entry point.

5
6 Mr. Noto said the homes will have two-car garages and they are proposing 62 on-street
7 parking spaces. There are four-foot sidewalks throughout the site and is peppered with
8 open space and an amenity area off the main drag from Longwood-Lake Mary Road.

9
10 Mr. Noto showed the landscape plan on the overhead. All the individual lots are getting
11 their own landscape package, own canopy and understory trees. They have the
12 perimeter landscaping throughout the entire area of the project. The tract to the south is
13 all conservation that will be platted as part of the platting process when we get to that
14 point. It is not to be touched as outlined in the PUD. They have nine historic trees they
15 need to remove as part of this project. We are coordinating with them to try and save
16 one. We found one that was rather large on one of the townhome lots. We are
17 discussing that now to see if it is even possible based on some elevations and other
18 considerations we are working with. They are doubling up on their mitigation required
19 for historic trees. They are providing 64 replacement trees instead of 36. They will
20 provide those throughout the development. There will be a number of new canopy and
21 understory around the perimeter and interior of the project.

22
23 Mr. Noto said Lots 1 through 83 are townhome lots. Lots 84 through 138 are detached
24 single family. The minimum lot area for the townhomes is 1,200 square feet and the
25 minimum lot area of the single family homes are 1,820 square feet. None of these
26 homes will be single story. They will all be two to three stories. There is a
27 representative from David Weekley Homes who can build upon what kind of product we
28 would see here.

29
30 Mr. Noto said there is a detention pond at the western part of the site. That's the
31 drainage area for these lots and the two apartment buildings. There will also be a
32 decorative fountain located in the detention pond.

33
34 Mr. Noto said this item was heard Monday, June 6, 2016, by the Planning & Zoning
35 Board and they recommended denial 3 to 2 of the preliminary subdivision plan. They
36 went on to deny the final subdivision plan for the project due to the lack of on-street
37 parking.

38
39 Mr. Noto said staff has found that the request for preliminary subdivision plan for the
40 Griffin Farm David Weekley project is consistent with the relevant criteria for the Griffin
41 Farm at Midtown PUD Developer's Agreement, the City's Code of Ordinances and
42 Comprehensive Plan, and we are recommending approval of the preliminary subdivision
43 plan with the seven conditions outlined in the staff report.

44
45 Mr. Noto moved on to Item E on the agenda which is the appeal filed by David Weekley
46 Homes. This is for 138 single family homes on Lot 6 of the Griffin Farm Town Center.

1 This is the same engineering plan that was presented as part of the preliminary
2 subdivision which we just talked about. Much like the Town Center plans, they went all
3 the way with 100% engineering. The preliminary subdivision plan is typically 30%
4 engineering and they opted to go 100% for both plans.
5

6 Mr. Noto said he said he had presented the facts as part of the prior application. We
7 have 138 lots that they are exceeding the mitigation requirements for landscaping.
8 Water, wastewater, and stormwater will be provided on site. They have a conservation
9 tract at the southern end. They are providing a new turn lane into the site. They
10 currently exceed the requirements for on-street parking. On Page 4 of the staff report,
11 Section 8, Subsection 4 of the PUD outlines the requirements for on-street parking and
12 parking in general for Lot 6 where it says that each home will have a two-car garage
13 and one on-street parking space for every four homes with the final location to be
14 provided as part of the preliminary subdivision plan. The preliminary subdivision plan
15 and the final subdivision plan not only showed two-car garages in all of the units but
16 they showed one on-street parking space for every 2.2 homes in lieu of one space for
17 every 4 for a total of 338 parking spaces which exceeds the required 311. It not only
18 exceeds the PUD but also exceeds the City's Code of Ordinances requirements. Just
19 north of the main entry point from the main drive in the Town Center, folks have direct
20 pedestrian access to over 1,000 parking spaces as part of the Town Center which
21 includes the 600 in the parking garage.
22

23 Mr. Noto said staff is recommending that the requested appeal be approved based on
24 the three findings of fact on Page 4 of the staff report. The first being the final PUD and
25 developer's agreement for Griffin Farm at Midtown was approved on April 7, 2016, and
26 thereby vested the project and set entitlements. No. 2, the final PUD and developer's
27 agreement for Griffin Farm at Midtown set the regulatory framework for developing the
28 site including the parking standards. No. 3, the final subdivision plan presented by the
29 applicant met and exceeded the regulations defined in the Griffin Farm at Midtown final
30 PUD and developer's agreement.
31

32 Mr. Noto said the comments received by the applicant at the P&Z meeting were not
33 ignored. They added 14 more on-street parking spaces. He showed an exhibit on the
34 overhead of the additional parking spaces. We are coordinating with the applicant's
35 engineer on this. They are adding more on their main drag. He pointed out the
36 locations on the exhibit. They are adding nine spots further to the north of the
37 development adding to the on-street parking spaces for where the townhomes are.
38

39 Mr. Noto said staff is recommending approval of the appeal. The final subdivision had
40 seven conditions of approval. In the event the Commission decides to approve the
41 appeal, we request you include those seven conditions with an eighth condition that
42 they add these parking spaces.
43

44 Mr. Noto said staff had nothing further at this time and was available for questions. The
45 applicant and his team are present.
46

1 Deputy Mayor Duryea said the retention for the commercial property is under the
2 parking lot.

3
4 Mr. Noto said that is correct.

5
6 Deputy Mayor Duryea asked if there was any kind of agreement that we require for that
7 type of exfiltration drainage for the future.

8
9 Ms. Reischmann said in terms of ensuring it is property maintained and is effective, they
10 are required by code to properly maintain their stormwater and probably by the St.
11 Johns permit they received.

12
13 Mr. Paster said about a year ago another developer was proposing something similar
14 and the City at that time did create and enact an ordinance for these types of systems.
15 There are design requirements to make it accessible for cleaning and there are also
16 inspection requirements. Annual inspections by certified engineers and depending on
17 what the inspection finds they would have to clean them out. We have addressed this,
18 other cities are doing it and we piggybacked off what they were doing. There are strict
19 requirements in our ordinance today for these types of systems.

20
21 Deputy Mayor Duryea asked the slope on the retention pond in the residential area.

22
23 Danielle Koury, City Engineer, came forward. She said the slopes on the pond are 6:1
24 down to a certain level and she believed it was three feet below the normal water level
25 and it steepens after that but it provides a path for somebody to escape.

26
27 Commissioner Miller asked how many acres was the detention pond.

28
29 Mr. Koury said she didn't know off the top of her head but it is sufficient for the
30 development.

31
32 Mr. Noto said the applicant's engineer is looking up the specific information on that.

33
34 Mayor Mealor said we will have the applicant present that answer during their
35 presentation.

36
37 Deputy Mayor Duryea said the reason he brought it up is that we have been stringent
38 on the slopes and whether children could fall down into the thing. It's kind of like a
39 natural attraction.

40
41 Ms. Koury said along the back of the homes there is substantial landscaping and a
42 fence because there is a retaining wall along the pond edge. On the other side it fully
43 meets our code as a 6:1 slope which is very attainable for a small child.

44
45 Chuck Woodall of Unicorp National Developments came forward. We worked very hard
46 with the Commission and staff over the last year. He thought they brought a great

1 project together that is good for the community. It's good for us as a developer and
2 thought it was a great project. It's not one of these projects where we look back and
3 say wow we made a killing. It is one of these projects where are going to look back and
4 say wow we did a great project for the community of Lake Mary.

5
6 Mr. Goodall said we are going to talk about the residential in a minute, but without the
7 residential it doesn't work. We don't look at it as three different projects. For us this is
8 one project. It's a mixed use project that contains apartments, single family homes,
9 townhomes, and commercial and it's got great internal capture. With that we reduced
10 the number of trips by 50% of what could be built on this property. For cut thru traffic,
11 for traffic on Lake Mary Boulevard it's much better than the intensity that could be built
12 on the property. Along with the off-site improvements that we are doing and along with
13 all the landscaping we are doing which is double what is required, we are going to do a
14 great project. He asked for the Commission's support tonight. Without all components
15 we can't do it. We look at this project as one project. We don't look at it as townhomes,
16 apartments, and commercial. We look at it all together. It functions all together and is
17 how we have made this whole thing work.

18
19 Mr. Goodall said a great testament to this project is that we have been here at six or
20 seven public hearings and less than five people have come out against the project. It
21 tells him the community is for this project. He asked the Commission to stand behind it.
22 We have done everything we said we would do. It's going to be a great project for the
23 City of Lake Mary. He said he was available for questions.

24
25 Mayor Mealor said we acknowledge the incredible work that Mr. Woodall's team has
26 done with staff.

27
28 Shad Tome, Area President of David Weekley Homes, 201 South Matanzas, Tampa,
29 Florida 33609, came forward. He said he appreciated the opportunity to be here this
30 evening. He said he would talk about David Weekley Homes for those who are not
31 familiar with who we are and will lead into talking about the quality of the product we will
32 build so it gives a comfort level.

33
34 Mr. Tome said David Weekley Homes is the largest privately held homebuilder in the
35 U.S. It started in 1976 out of Houston, Texas by David Weekley who does still exist and
36 is actively involved in our business. He comes to Florida frequently and sees all of our
37 markets several times a year. We are celebrating our 40th year this year. We have
38 been in Florida since 1994. We came here when Disney brought us here as one of the
39 original builders in Celebration which was a great honor. We are still the only original
40 builder that was there. There were three there. Two fell away and we are still there.
41 We are currently building a community that has been referenced this evening and we
42 used as a vision and backdrop for the plan we put together for Griffin Farm.

43
44 Mr. Tome said we have built about 80,000 homes throughout the U.S. since our
45 existence. We have done about 4,000 of them in the Orlando market. Eight hundred of
46 them have come from Celebration, about 700 came from Baldwin Park, and about 400

1 have come from Laureate Park. He referenced those three specifically because they
2 are the styles we are talking about here. They are smaller lots than you would typically
3 find that aren't the 50's and 60's out there in your traditional cookie cutter
4 neighborhoods.

5
6 Mr. Tome said we have a community in Celebration we are building called Spring Lake.
7 He showed some images of the community using them as a backdrop. The community
8 is 260 homes and made up of about the same percentages between the attached and
9 detached. It's actually 61 attached townhomes two and three story and the other 77 are
10 detached. Forty-four percent are attached and 56% are detached. He says that
11 because when we do our land plans we are cautious not to get the attached percentage
12 unbalanced with the detached percentage largely due to the fact that we feel like having
13 a detached product in this community makes more sense, thus is why we didn't want to
14 achieve the 200 units. We are looking for less density but still have some density.

15
16 Mr. Tome showed an aerial of Phases 1 and 2 of Celebration to give an example of the
17 type of community we are talking about here. If you compare it to the land plan it is very
18 similar in the sense of where the townhome units are and where the detached units are.
19 He showed slides of the architecture. We have what we call garden cottage and
20 bungalow style. He showed an example of the cottage style on the overhead which
21 would be the larger. It is about a 2,800 square foot detached home. You can see the
22 proximity of the neighboring home. In this particular community those homes are selling
23 for \$600,000 to \$700,000. That is with upgrades and lot premiums. We anticipate we
24 would initially start in the mid-\$500,000's and allow customers to upgrade it from there.
25 While these homes may be closer together and may be smaller, the appointments on
26 the inside are still well done. They would have eight-foot doors, hardwood floors,
27 hardwood stairs, upgraded deluxe kitchens with cooktops and downdrafts. All the
28 things you would expect to see in your larger homes. What we are seeing in the trends
29 today is people aren't just looking to have the biggest box they could get. They want to
30 have proportionately spaced rooms and an affordable electric bill. We work with a
31 company called Environments for Living which helps with that. It is a green mission. A
32 lot of builders are using similar things but it is also air quality and other things on the
33 inside.

34
35 Mr. Tome showed an example of a two-story townhome on the overhead. The finishes
36 on the exterior you have some accent metal roofs and you see a lot of open tail rafters
37 and brackets. There is a lot of attention put to it. It is heavy architecture meaning in a
38 positive way it is not your traditional flat faced townhome. This style is your Pan
39 Caribbean style. The previous one was the craftsman style. We are looking at doing
40 what they call transitional farm home style which is trendy and fits in with the theme with
41 a mixture of materials. You can have bricks, stone as well as siding and accent metal
42 roofs creating a higher level of quality on the exterior that complement the things on the
43 interior.

44
45 Mr. Tome showed an example of a streetscape which is more of a mews scape. The
46 site plan is designed in such a way that more of the homes live to what you would call a

1 greenspace mew rather than just living along the street. As you are driving down the
2 street you're seeing the side of two of the homes. A lot of attention is placed on what
3 that side elevation looks like—making sure windows are appropriately placed, bandings
4 done properly. There are accent materials on the sides of the homes as well. What's
5 nice about this is you're not just walking out to your front porch and immediately
6 stepping onto a street. You are stepping onto a pedestrian sidewalk which is then faced
7 on a greenspace which becomes a common area where people hold functions, kids
8 play, people sit and read. He showed an example of the mews with park benches and
9 doggy potty stations. The goal of these mews is to create some sort of activity or
10 engaging piece at each of these mews. He showed an example of a trellised area with
11 some Adirondack chairs. Others may have a grill pit or fireplace. Just a little small
12 accent that makes it interactive and a reason why folks would want to hang out in this
13 little space. There are surrounding neighbors of eight to ten homes in that little enclave
14 and it becomes its own little village but inside the overall full community.

15
16 Mr. Tome said we will have two-story and three-story townhomes. They will start in the
17 mid-3's (\$300,000) and ride up into the mid-4's (\$400,000). For the single family there
18 are three different product types: bungalow, gardens, and cottages. They will start in
19 the low 4's and go up to the mid-5's on a base home. With lot premiums some of the
20 lots back up to a beautiful lake and will have the backdrop of the conservation. There is
21 some opportunity there. Overall we anticipate the average will be \$450,000 to \$475,000
22 when you blend through the townhomes. Overall it is about a \$16 million revenue
23 opportunity for the overall community. There are a lot of upgrades people want to put in
24 their homes. There are a lot of amazing things available today that weren't available
25 five or ten years ago before the downturn as far as the materials.

26
27 Mr. Tome said as far as the primary buyer, empty nesters and young professionals, we
28 are going to have lawn care and grounds keeping included, even for the detached units,
29 which you don't always see. The reason is the homes living towards the mew the way
30 they are you want to have consistent maintenance done and how it all flows together. It
31 also provides the opportunity for people to lock and leave even for those in a detached
32 situation that will have active lives and always on the go. It's doesn't matter if you're a
33 retiree or a young professional. There are things we would rather be doing than taking
34 care of our yards. We find it to be very successful. We have done that on quite a few of
35 these projects. That becomes a selling point rather than having to manage your own
36 lawn care folks.

37
38 Mr. Tome said it was talked about the new urbanism and the T&D style of on-street
39 parking. As Mr. Noto did mention, in an abundance of caution we went back and looked
40 at the plan and figured out a way to add some additional parking spaces. Our ratio
41 today is one per 1.8 homes and is well below the 1.4. While we felt comfortable the
42 number of spots we provided were going to meet and exceed the need, we heard, we
43 listened, and we went back and studied the plan and tried to find the opportunity to get
44 every space we could. In an abundance of caution we wanted to make sure we had a
45 community that's not a burden and is something that works.

46

1 Mr. Tome said he had an image to show that gives you an idea of the thought through.
2 He showed an image of a 22' X 20' garage on the overhead. It may seem like a simple
3 image but when it comes to smaller projects like this, we think through very closely the
4 size of the garage to make sure you can get two vehicles in it, you can get a trash
5 receptacle in it, and you can get a recycle bin in it. That's not to say that will keep
6 somebody from using it as a storage facility but we're not building an 18' X 18' garage
7 and asking somebody to fit two full size vehicles in it. We go to great lengths. We build
8 a lot of these types of communities. We have learned from 1994 until today. He had the
9 pleasure of working in Celebration from 1998 to 2005 and lived in Celebration three
10 different times. He knows it personally and lived it well. He appreciated the opportunity
11 and was available for questions.

12
13 Mayor Meador said we appreciate Mr. Tome taking the time to provide the additional
14 clarification.

15
16 Commissioner Brender said he was caught in a quandary. He wants parking spaces
17 but wants parking spaces where people park. He knew from experience in his
18 community that the sidewalk in front of the house becomes the parking space because
19 the parking spaces that are 150 steps at the end of the units aren't close enough. He
20 wanted to make sure the parking is in the right spot. He said he was also torn because
21 it is a double edge sword. Every time he tells you to build a parking space he is giving
22 up a green space. That's the other thing he was trying to address. You're going to
23 have 400 or 500 people and that's probably 300 dogs. Those are the little things you
24 have addressed that we need to make sure are going to meet not so much the code but
25 to meet the way people live. Providing a walk area for a dog and it's four blocks away is
26 not meeting the need. Those are some of the things he has been trying to wrestle with
27 because he prefers green space.

28
29 Commissioner Brender said the biggest part of this is how this internal capture works
30 and whether or not you believe it. He could see how people living here would walk to
31 the fitness center, to the Earth Fare or to the restaurant. It's obviously going to have a
32 fair amount of internal capture and that's a good thing although at the same time we
33 know because SunRail is over there they are going to be driving to work in Heathrow
34 and we have to deal with that side of it. He said his point is as you dive into the parking
35 side of this he was open to maneuvering it around to give us more open space and
36 move around the parking spaces so we can make sure they are in the right spot and not
37 just meeting the code. You have a good idea of where these people want to park. If it's
38 in the wrong place and is more than 200 feet away they are going to find a place to park
39 just like water finds downhill.

40
41 Mr. Tome said the points are well taken. When we went back to the plan and looked at
42 where we could add some spots, beyond just doing it for an abundance of caution we
43 also decided to do it because we felt the north side could use some additional spots. It
44 was a good point made in that respect. It wasn't just that we moved around the ones
45 we had but decided to add.

46

1 Mr. Tome said we also looked at the plan and thought about where some additional
2 opportunities were for a dog park. We traditionally don't try to do that initially out of the
3 gate. We'll let the residents decide that over a little bit of time. We want to make sure
4 we have the doggy potty stations out there and they are appropriately spaced along the
5 greenspaces and over time the residents may decide they want a dog park. The
6 challenges that come with those is the residents really have to want them because there
7 are a lot of things that happen with that as far as big dogs, little dogs and how all that
8 interaction happens. There is a space we could do that.

9
10 Mr. Tome said as far as the internal capture, he was coming from a biased perspective
11 because he had lived in these types of communities quite often. Beyond having the
12 things that happen neighboring with the grocery and fitness what also happens is by
13 having the amenity facility and staffing it, we work with a company called WTS
14 International based out of Bethesda, Maryland. They have been in business 42 years
15 and operate all over the world. They provide activity direction for all ages. They create
16 a lifestyle that cause people not to want to have to leave to do something. It could be
17 canasta night, learn to roll a cigar, learn to scuba dive or whatever it may be. Part of the
18 goal of that is to create not just a neighborhood but keep people in the community and
19 not leaving to find a social event. If you build a facility and throw a pool behind it, you're
20 probably not going to get that. You activate it with a management company then you
21 are going to get it. Selfishly for us we are in the business of selling homes and that's
22 part of the process that we do and there are a lot of ancillary benefits that come from it.
23 We have seen that play a big role in the capture. You are not going to stop people from
24 leaving in the peak hours. They are going to work in the morning and come home in the
25 evening. It's that extra time when they have now come home and they've left two or
26 three additional times is what the goal is to keep down.

27
28 Ms. Reischmann said because this is an appeal and is kind of a long drawn out process
29 having been a PUD, she knew Mr. Noto had provided all that background. I want to
30 direct the Commission to some code provisions and some case law to guide you. We're
31 putting on our green eyeshades tonight. This is a time of technical analysis and
32 discussion can be had as to how you want to see things done, but essentially this is a
33 time to look to very objective criteria and look to your prior approvals and see if the
34 criteria have been met and not to have a more general philosophical discussion about
35 what you would like to see in the City and how you feel about parking individually. It's
36 really about whether the objective criteria have been met and not a time for you to
37 exercise your discretion because that's not your role right now. This project has been
38 permitted as of right and the preliminary subdivision plan must be approved unless it is
39 clear that it does not meet the objective criteria, code, PUD agreement, and the final
40 development plan.

41
42 Ms. Reischmann said it is almost a duplicative process when you're dealing with a PUD
43 because you are looking at the preliminary development plan, final development plan,
44 preliminary subdivision plan, and final subdivision plan. You have to be aware of your
45 constraints as you move down the road. The fact that under 154.61(H) upon approval
46 of the final development plan which took place some months ago, the use of the land,

1 the construction modification and alteration of any structures are in accordance with that
2 approved final development plan rather than anything else in the zoning regulations. We
3 are very constrained to looking at that. Only minor changes should be made after we
4 approve that.

5
6 Ms. Reischmann pointed out that the applicant is not seeking any variances from the
7 PUD agreement or the code or anything. This is a strict compliance with what has been
8 previously approved. The purpose of the preliminary subdivision plan and the purpose
9 of the final subdivision plan is stated in the code to be a presentation of technical data
10 and the engineered drawings. It is a very technical review. The issue for the
11 Commission is do they meet the published criteria. If they do then there is no discretion
12 and there must be approval. If you wanted to deny it you would have to be able to state
13 your findings as to where the applicant does not meet the requirements of the PUD
14 agreement. You can't impose any ad hoc requirements or requests on them such as
15 could you add more parking. You can't impose that but you could have the discussion.

16
17 Ms. Reischmann said if you were to deny a preliminary subdivision plan or final
18 subdivision plan which meets the PUD agreement then you would be under case law
19 denying this land owner due process of law. This is a quasi-judicial decision. The
20 courts talk about it like it's a ministerial decision. It's not the way we think of quasi-
21 judicial where you are looking at all these facts and you're fitting them to your code.
22 This is more of a strict kind of a checklist. There is no legislative discretion. The reason
23 for that is you don't want to have anybody subject to the caprice of the public body. Not
24 that you all are capricious but you want to know that everybody similarly situated would
25 be able to obtain plan approval based on the uniform standards that have already been
26 established.

27
28 Ms. Reischmann said as to the appeal specifically, there were concerns addressed by
29 P&Z that respectfully went beyond their jurisdiction. They have jurisdiction to apply the
30 code to the extent that the PUD agreement overarching the regulations in the PUD
31 agreement actually cancel out the code in some respects.

32
33 Ms. Reischmann said if you are inclined to approve the preliminary subdivision plan,
34 and she addressed that specifically to the David Weekley Homes, she pointed out code
35 provision 155.12(E)(2) which is very key. Remember that typically your approval of the
36 preliminary subdivision plan would come before P&Z approved the final subdivision
37 plan. You would be looking at the preliminary subdivision plan and then your approval
38 would go to P&Z and they would have the benefit of that when they looked at the final
39 development plan. Once you approve the preliminary subdivision plan, the code says
40 approval of the preliminary does not constitute approval of the final. Rather it shall be
41 deemed expression of approval as to the layout submitted in the preliminary plan. This
42 is the key: the final subdivision plan must substantially adhere to the layout in the
43 preliminary subdivision plan. Essentially what it is saying is what the Commission
44 approves in the preliminary must be substantially adhered to in the final. We sped this
45 up for the sake of the developer at the developer's request but typically the longer
46 process would be that P&Z would get your preliminary approval and would then look at

1 it and say we are constrained. We do not have jurisdiction to go beyond the
2 Commission's approval. It's not that the Commission has approved the final but we
3 have to substantially adhere. Approval of the preliminary subdivision plan is essentially
4 an approval of the parking. If you approve the preliminary subdivision plan tonight of
5 David Weekley, you would almost be essentially granting the appeal. We would want to
6 have a separate motion on that. Once the PSP is approved the final has only a very
7 limited purpose and is just a checklist.

8
9 Ms. Reischmann asked the Commission to disclose any ex parte communication. She
10 said she had become aware of some e-mails that were received by you from P&Z board
11 members which have been made part of the record by the City Clerk (copies attached).

12
13 Commissioner Brender announced he had a phone conversation with Mr. Morris
14 representing the applicant. He has had previous discussions with Mr. Woodall and the
15 folks at David Weekley that have been announced at previous meetings.

16
17 Deputy Mayor Duryea said he didn't return Randy's (Morris) phone call yet.

18
19 Commissioner Miller announced he had a conversation with Randy Morris and a
20 conversation with Chairman Hawkins of the Planning & Zoning Board.

21
22 Mayor Meador announced he has been on the site, has walked the site, has talked with
23 representatives of the applicant, and received two e-mails from P&Z members which
24 were immediately forwarded back to the City Manager for the record.

25
26 Commissioner Brender announced he received those same e-mails but did not respond
27 to them and sent them to the City Clerk.

28
29 Mayor Meador asked if anyone would like to speak in reference to Items 9.C, 9.D, and/or
30 9.E.

31
32 Sunil Wadhwa, 3600 Simonton Place, Lake Mary, Florida, came forward. He said this
33 was Bayan Point which is right behind the proposed site. He asked what is being done
34 in regards to the traffic.

35
36 Mayor Meador said all the traffic has been presented and signed off by the County and
37 the traffic engineers. One of the concerns was cut thru traffic that has been mitigated.
38 There is also discussion with the County as to how Longwood-Lake Mary Road will be
39 widened possibly from the Boulevard to Ronald Reagan. All traffic impacts have been
40 signed off on by all representative bodies.

41
42 Mr. Wadhwa said in regards to the parking, it was mentioned we had multi-story
43 parking. He asked how many stories that would be.

44
45 Mr. Noto said the parking garage is three levels with a total of 600 spaces.

1 Mr. Wadhwa said the developer mentioned the townhomes and some are two stories
2 and some are three stories. When we talk about the height from his subdivision, he
3 asked if that's going to be at a level where we would be able to see those townhomes.
4

5 Mr. Noto showed an aerial of the Weekley part of the project. It doesn't go south
6 enough where you can see Banyan. He pointed out the greenspace that is part of an
7 open space requirement for the subdivision to the west and that is not being touched.
8 He pointed out the conservation tract. The townhomes start around that area so they
9 will be buffered by the open space tract of the other county neighborhood in between
10 Banyan and the Griffin project and there is also the conservation area. From Banyan
11 you should not be able to see the townhomes or the single family.
12

13 No one else came forward and the public hearings were closed.
14

15 Mayor Mealar asked Mr. Noto if there was any additional information he wanted to
16 provide.
17

18 Mr. Noto answered negatively.
19

20 **Motion was made by Commissioner Miller to approve the Preliminary Subdivision**
21 **Plan for the Griffin Farm Town Center, seconded by Deputy Mayor Duryea and**
22 **motion carried by roll-call vote: Commissioner Miller, Yes; Commissioner**
23 **Brender, Yes; Deputy Mayor Duryea, Yes; Mayor Mealar, Yes.**
24

25 D. Preliminary Subdivision Plan for the Griffin Farm David Weekley Homes
26 located at 114 Longwood-Lake Mary Road. Applicant: Ms. Jennifer Stickler,
27 P.E., Kimley Horn (Public Hearing) (Steve Noto, City Planner) (quasi-judicial)
28

29 This item was presented, discussed and a public hearing held under Item 9.C.
30

31 **Motion was made by Commissioner Brender to approve the Preliminary**
32 **Subdivision Plan for the Griffin Farm David Weekley Homes with the eight**
33 **conditions, seconded by Commissioner Miller and motion carried by roll-call**
34 **vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes; Commissioner**
35 **Miller, Yes; Mayor Mealar, Yes.**
36

37 E. Appeal of the Planning & Zoning Board's Denial of the Final Subdivision Plan
38 for the Griffin Farm David Weekley Project, File Number 2016-FSP-06,
39 located at 114 Longwood-Lake Mary Road (Public Hearing) (Steve Noto, City
40 Planner) (quasi-judicial)
41

42 This item was presented, discussed and a public hearing held under Item 9.C.
43

44 **Motion was made by Commissioner Miller to grant the appeal of the Planning &**
45 **Zoning Board's denial of the Final Subdivision Plan for the Griffin Farm David**
46 **Weekley Homes Project, and approve the Final Subdivision Plan with the eight**

1 **conditions as outlined by staff. Seconded by Deputy Mayor Duryea and motion**
2 **carried by roll-call vote: Deputy Mayor Duryea, Yes; Commissioner Miller, Yes;**
3 **Commissioner Brender, Yes; Mayor Mealor, Yes.**

4
5 Mayor Mealor said Mr. Noto and staff have done a remarkable job. A tremendous
6 amount of effort has gone into this. He thanked the representative of David Weekley
7 Homes and the representative of Kimley Horn. He said Mr. Woodall stepped forward;
8 his group enjoys an excellent reputation. Why this is critically important to the City of
9 Lake Mary is that this now becomes a template for all future development in the City of
10 Lake Mary if done the way it is presented and we have set a remarkable standard.

11
12 10. Other Items for Commission Action

13
14 There were no items to discuss at this time.

15
16 11. City Manager's Report

17
18 A. Items for Approval

19
20 a. Award Bid #15-06 Emma Oaks Trail Sidewalk

21
22 Ms. Sova said the first item is a bid award for the Emma Oaks Trail sidewalk. This is a
23 project that has been delayed quite a bit by Duke Energy. We got six responses from a
24 bid a year ago. The lowest bidder, Parthenon Construction, has agreed to stick with
25 their price. She asked Bruce Paster if there was a way to get it cheaper now since we
26 had a good experience with the parking lot. We did a lot of our own work on the parking
27 lot. There wasn't any way to get the price down more.

28
29 Ms. Sova asked the Commission to authorize her to enter into an agreement with
30 Parthenon Construction Company in an amount not to exceed \$83,465.00 for the Emma
31 Oaks Trail Sidewalk Project.

32
33 **Motion was made by Deputy Mayor Duryea to authorize the City Manager to enter**
34 **into an agreement with Parthenon Construction Company in an amount not to**
35 **exceed \$83,465.00 for the Emma Oaks Trail Sidewalk Project, seconded by**
36 **Commissioner Brender and motion carried unanimously.**

37
38 b. Award Bid #16-07 East Crystal Lake Avenue Sidewalk Construction

39
40 Ms. Sova said the second item is approval of the bid award of #16-07 for the East
41 Crystal Lake Avenue sidewalk construction. This is to improve our pedestrian
42 connectivity between the rail station and Station House over to this side of Country
43 Club. It also allows for the right hand turn lane being designed along Crystal Lake
44 Avenue to turn northbound onto Country Club Road. This has been in the budget. We
45 did bids and got two returns.

1 Ms. Sova asked the Commission to authorize her to enter into an agreement with
2 Tagarelli Construction in an amount not to exceed \$80,598.00 for the East Crystal Lake
3 Avenue Sidewalk Construction Project.

4
5 Deputy Mayor Duryea said he was assuming all the engineering has been done.

6
7 Ms. Sova answered affirmatively.

8
9 **Motion was made by Commissioner Brender to authorize the City Manager to**
10 **enter into an agreement with Tagarelli Construction, Inc. in an amount not to**
11 **exceed \$80,598.00 for the East Crystal Lake Avenue Sidewalk Construction**
12 **Project, seconded by Commissioner Miller and motion carried unanimously.**

13
14 B. Items for Information

15
16 a. Monthly Department Reports

17
18 C. Announcements

19
20 Ms. Sova congratulated Danielle Koury on her recent promotion to City Engineer
21 replacing Tom Connelly. We are all excited for her.

22
23 Ms. Sova said we had 5,000 free “Try the Train” tickets distributed to residents and
24 Farmer’s Market attendees this week. The “Try the Train” project provided two tickets
25 to ride SunRail between June 13th and June 17th. This project was spearheaded by
26 SunRail in cooperation with staff.

27
28 Ms. Sova said the Police Department will host “Coffee with a Cop” on Wednesday, June
29 22nd from 5:00 P.M. to 7:00 P.M. at McDonald’s on Lake Mary Boulevard. You can stop
30 by and discuss your issues and learn about making a difference in our community and
31 enjoy a free cup of coffee courtesy of McDonald’s.

32
33 Ms. Sova said the Police Department is holding a babysitting CPR course on
34 Wednesday, June 29th from 9:00 A.M. to 3:00 P.M. at the Police Department. This
35 course is designed for middle and high school students. If a participant needs a CPR
36 card there will be a \$10.00 fee collected; otherwise the course is free. Lunch will be
37 sponsored by Dalli’s. If you need more information contact Officer Rebekah Matviak at
38 407-585-1305.

39
40 Ms. Sova said the launch of our Uber Pilot Program will occur July 1st at the Longwood
41 SunRail Station. The event will be at 10:00 A.M. You all will be receiving an invitation
42 in an e-mail. We are joining four other cities to implement this discount program for
43 Uber trips taken within each of our respective cities.

1 Ms. Sova requested the Commission do a budget work session and hold the second
2 meeting in July on July 28th. That gives us more time to get the budget complete. We
3 would have a workshop at 5:30 P.M. and the regular meeting held after that.
4

5 **Motion was made by Commissioner Brender to hold the second meeting in July**
6 **on July 28, 2016, seconded by Deputy Mayor Duryea and motion carried**
7 **unanimously.**
8

9 12. Mayor and Commissioners' Report

10 Mayor Mealor had no report at this time.

11 Commissioner Miller had no report at this time.

12 Commissioner Brender had no report at this time.

13 Deputy Mayor Duryea had no report at this time.

14
15
16
17
18
19 13. City Attorney's Report

20 Ms. Reischmann had no report at this time.
21
22

23 14. Adjournment

24 There being no further business, the meeting adjourned at 9:05 P.M.
25
26
27
28

29 _____
30 David J. Mealor, Mayor

_____ Mary Campbell, Deputy City Clerk

31
32
33
34 ATTEST:
35
36
37
38
39 _____
Carol A. Foster, City Clerk