

1 MINUTES OF THE LAKE MARY PLANNING & ZONING BOARD MEETING held
2 August 9, 2016, 6:00 P.M., Lake Mary City Commission Chambers, 100 North Country
3 Club Road, Lake Mary, Florida.
4

5
6 I. Call to Order
7

8 The meeting was called to order by Chairman Robert Hawkins at 6:05 P.M.
9

10 II. Moment of Silence
11

12 III. Pledge of Allegiance
13

14 IV. Roll Call
15

16 Chairman Robert Hawkins	John Omana, Community Development Dir.
17 Co-Chair Colleen Taylor	Steve Noto, City Planner
18 Steven Gillis	Katie Reischmann, City Attorney
19 Sam Aycoth	Mary Campbell, Deputy City Clerk

20
21 Justin York – Absent
22 Scott Threlkeld – Absent
23

24 V. Approval of Planning & Zoning Board Minutes – June 28, 2016
25

26 **Colleen Taylor moved to approve the June 28, 2016, Planning & Zoning Board**
27 **minutes, seconded by Steven Gillis and motion carried unanimously 4-0.**
28

29 VI. Citizen Participation: This is an opportunity for anyone to come forward
30 and address this Board on any matter relating to this Board or its action.
31 This also includes: 1) any item not specifically listed on a previous
32 agenda but discussed at a previous board meeting or 2) any item on
33 tonight’s agenda not labeled as a public hearing. Items requiring a public
34 hearing are generally so noted on the agenda and public input will be
35 taken when the item is considered.
36

37 No one came forward at this time and citizen participation was closed.
38

39 VII. P&Z Public Participation Process
40

41 City staff and the applicant, or the agent for the applicant, will make their
42 presentations first, followed by questions from the Planning and Zoning Board
43 members. After the presentations from staff and the applicant, the chairman will
44 open the public hearing portion of the meeting to allow interested parties to
45 speak for or against the item being considered. The public is instructed to keep
46 their presentation factual, not be redundant, and to direct all comments to the

1 Board, not to the applicant or staff. From time to time, it may become necessary
2 for the Chairman to limit the time that speakers may have. If a time limit is to be
3 imposed, it will be announced at the time that the public hearing is opened. If a
4 speaker wishes to be heard for the record but does not have any new information
5 regarding the item being considered, the speaker shall give his/her name and
6 address for the record and state that they agree with the presentation made by a
7 previous speaker, giving the specific name of the person. When the Chairman
8 believes that no additional information is forthcoming, the Chairman shall close
9 the public hearing portion of the meeting.

10
11 VIII. Old Business

12
13 There was no old business to discuss at this time.

14
15 IX. New Business

- 16
17 A. 2016-SP-05: Request for site plan approval to construct 23,418 square feet
18 of commercial space and 32,000 square feet of future office space located at
19 the northeast corner of International Parkway and Heathrow Park Lane.
20 Applicant: Pelloni Development Corporation, Mr. Bart Pelloni (Public Hearing
21 – Quasi Judicial)

22
23 Chairman Hawkins said this item is quasi-judicial and there is a sign-in sheet in the back
24 of the room for anyone wanting to keep abreast of this item.

25
26 Mr. Noto showed the site plan on the overhead. He showed an aerial photograph of the
27 site. It is in the Colonial Center Heathrow PUD. To the west of the project site is the
28 Verizon office building and to the east across the street are the Colonial Center Lake
29 Mary Apartments. This is the large parcel out front which is currently vacant.

30
31 Mr. Noto said the request tonight is for 23,418 square feet of commercial space and a
32 future 32,000 square foot office. The immediate project is shown on the overhead.
33 They are looking to build a parking lot on the north segment. That parking lot will act as
34 overflow parking for the Verizon office building. The southern phase of the project is the
35 commercial which is the 23,418 square feet of commercial space. We are looking at
36 480 parking spaces as a sum for the whole site. There is no vehicular cross connection
37 between the north and south phases. That is because the north phase is specifically for
38 Verizon overflow parking. There is pedestrian connectivity but the access to that part of
39 the project will be from Heathrow Park Lane. He pointed out the curb cut on the
40 overhead. That segment of Heathrow Park Lane runs to the north and then to the west
41 adjacent to the advertising company office building and then there is the bank. You can
42 get there as well from the traffic signal that you use to get into the Verizon site. Access
43 to the southern phase will be from International Parkway and the Heathrow Park Lane
44 access point where the signal is.

1 Mr. Noto said one tree will have to come out to construct that access point off of
2 International Parkway. There is a great row of trees along the entire International
3 Parkway corridor. The applicant did a really nice job as to not disturb that at all. They
4 just need to take out the one tree to build the entryway.

5
6 Mr. Noto focused on the southern phase which is the commercial square footage. They
7 are looking to build a commercial strip building and there is the potential of two drive-
8 thru facilities. He showed two scaled graphics of how the drive thru areas could work
9 with stacking. At this point we don't know where the drive-thru menu and windows
10 would be but based on review with our traffic folks, we are satisfied with how the site
11 would flow. Starbuck's is across the street so we know it's not going to be a Starbuck's
12 and we know how popular they are. There is room for overflow in the event it is a
13 popular restaurant. We have seen the breakfast places in this area do really good
14 business. If we take a look at the southernmost retail drive thru, there is room for
15 additional stacking around the entire building since that's just a one-way drive aisle to
16 the south.

17
18 Mr. Noto said from an entitlement standpoint, this is part of the Colonial Center
19 Heathrow PUD and DRI. On Page 2 of the staff report there is a matrix table that
20 outlines the amount of entitlements that were approved when the PUD project was
21 initially approved in the '80's. There is still over a million square feet of office
22 entitlements left. Through the DRI they had to utilize a trip conversion matrix in order to
23 obtain more retail trips. In the DRI there is a certain equation you utilize to take from the
24 office square footage and add retail square footage within the DRI. That's what they
25 had to do as part of this project working with our staff and staff with the Department of
26 Economic Opportunity and the East Central Florida Regional Planning Council. There
27 are a lot of entitlements left and this project falls within the entitlement umbrella of the
28 PUD and the DRI.

29
30 Mr. Noto showed the landscape plan on the overhead. The PUD agreement has its
31 own landscape code. What they propose meets that code. They do have to take out
32 seven historic live oak trees and as a result are providing mitigation of \$1,250 per tree
33 that they have to remove which is just under \$9,000 in mitigation. There are a couple of
34 trees with potential to save on the east side of the retail strip and another one around
35 the north drive thru building. We are going to work with them through the site
36 construction permit process and see if those can be saved. If not they will be part of the
37 mitigation plan they have outlined.

38
39 Mr. Noto said the site meets the open space requirements of the PUD. They are
40 utilizing the master stormwater system that is throughout the PUD project area.

41
42 Mr. Noto said for trash they coordinated with Waste Pro that we have a franchise
43 agreement with. We have a new member on their staff that we have been coordinating
44 with and they were able to meet their needs.

1 Mr. Noto said staff finds that all criteria have been met for granting approval of the site
2 plan as proposed this evening and recommends approval with three conditions on Page
3 4 of the staff report.

4
5 Mr. Noto said the 32,000 square foot office building is on Sheet C 4.1 of the large site
6 plan. It is the crosshatched area on the overhead. That's not being built now. They are
7 going to come back in the future with the site plan revision to go over the engineering
8 review and things of that nature. What they want to do is hold on to those entitlements
9 in the event a user comes along and they can say we have the entitlements for 32,000
10 square feet. We just have to go back in for a minor site plan. That's when it will come
11 back before this board and we will review all the engineering aspects that are part of
12 that review.

13
14 Mr. Noto noted the applicant was present.

15
16 Chairman Hawkins said in the larger building there is going to be two restaurants on
17 either end.

18
19 Mr. Noto said that was correct.

20
21 Chairman Hawkins said on the southern drive thru there is room for extra stacking but in
22 the northern drive thru there is not room for extra stacking. If you have four cars lined
23 up at the menu board and another five or six waiting to pick up their meals, after that it's
24 going to clog the entranceway. That's the only real drawback. He wished the applicant
25 would rotate the building counterclockwise one time and then there would be additional
26 stacking if they put their drive thru windows on the west side. If it were to be a
27 McDonald's, Starbuck's or Chick-Fil-A they are going to clog the entranceway. He said
28 that's the only thing he doesn't like about the site plan so far.

29
30 Mr. Noto said so noted. He said he looked over at the applicant and the engineer is
31 going to come up. It looks like that is something we are going to explore as part of the
32 site permit.

33
34 Brent Lenzen with Kimley-Horn, 3660 Maguire Boulevard, Orlando, Florida, came
35 forward. He said he totally agreed we can work on massaging the site plan. The one
36 thing we had in mind was that people entering the development have the opportunity to
37 take an immediate right if the stacking should work its way around that corner. We did
38 have some opportunity there to where the first parking spaces could be impacted but it
39 wouldn't impact people getting off the road. We would definitely be open to working
40 through the site plan to add more stacking.

41
42 Chairman Hawkins said you can see what I'm saying. If you just rotate it.

43
44 Mr. Lenzen said he thought Chairman Hawkins was talking about the windows facing
45 the west and the drive thru windows would be facing the road. He didn't know that was

1 the look we want architecturally from the road. That would be the only drawback with
2 the windows facing that way.
3
4 Mr. Noto said we can work through some potential additional landscaping. We'll work
5 with the applicant and try and rotate it.
6
7 Member Aycoth asked if the retail space was intended to be broken up or one tenant.
8
9 Mr. Lenzen said it would be broken up with multiple tenants.
10
11 Chairman Hawkins asked what the loading zone was for.
12
13 Mr. Lenzen said deliveries for retail and things along those lines. We have sidewalk
14 access to the east side and is where people could get around. There will be entrances
15 to the back where deliveries could take place.
16
17 Mr. Noto said it is a very similar design to where Another Broken Egg Café is located
18 just down the street.
19
20 Bart Pelloni of Pelloni Development came forward. He asked the Board if they would
21 like the one minute version of how this came to be so they could understand the logic
22 and the type of tenants we are talking to.
23
24 Mr. Pelloni said we were looking for a business friend's new headquarters, Jeunesse,
25 and they wound up in the 701 building but originally we were going to build them a
26 building and is how we came across this property. Since then they have moved to 701
27 and Florida Blue has taken the second floor so the building is completely full. That
28 worked well. The city, county and state all contributed and that was wonderful but we
29 lost the opportunity. We still liked the property so we started moving forward with the
30 greater 8-acre parcel and at that time Verizon had come to us and said we are in a
31 mode of compaction. We want to fit more people in the building and needed 238
32 parking spaces and is what you see here. That left us with about five acres and that is
33 the retail. We started out with a 60,000 square foot office building. Our retail projects in
34 the trade market are the Shoppes at Oakmont with Panera and Stonewood and Park
35 Place with Fishbones. We are familiar with the market and are familiar with the retail
36 but we are also familiar with the office condominium. We started to think could we do
37 that again. We didn't see a way that we could compete. We've got some institutional
38 titans that are in this market and we couldn't seem to make the pro forma work. At the
39 same time we saw Miguel Darkos and Starbucks and Another Broken Egg and he filled
40 that up very quickly. It is about the same size with one less outparcel. He encouraged
41 him to start talking retail here and that's what it has morphed into. All of this just
42 happened, we lined up with a broker, and we just started the marketing effort a couple
43 of weeks ago but the interest has been really good. He said he didn't think they would
44 see a gift store or a tee shirt shop but service and food. That is why we are counting on
45 restaurants.
46

1 Mr. Pelloni said in response to the way we would do the drive thru, we don't have them
2 yet. He didn't mind saying that the folks that did this Starbuck's said we should be
3 speaking with Panera. They had interest across the street. We are just starting to do
4 all that now. He thought it would fall in line architecturally and tenant mix with the stuff
5 you see at Oakmont where you have a Peach Valley and we may have a different
6 breakfast place. He thought they would be able to do this quickly.

7
8 Mr. Pelloni said the Verizon lease is executed. The reason you see the shaded area for
9 the office building is we needed to have a future use. It would be hard to finance just
10 the parking lot because what is it after the fact. It would be our intention to be certain
11 we could build a small office building when the time comes with Verizon.

12
13 Mr. Pelloni said we are just starting this now but are very excited about the initial inquiry.

14
15 Chairman Hawkins said Mr. Pelloni's history precedes him regarding the parking. He
16 asked Mr. Pelloni if he had enough parking.

17
18 Mr. Pelloni said per code we do. Another opportunity we have with this site that is
19 flexible is the Verizon portion is not going to be gated. We have added pedestrian
20 connectivity in three locations to where at nighttime hours there is going to be nothing
21 but surface parking to be utilized by people using the facilities. The only comments we
22 get with Oakmont are more from friends that live in the market and not the shop owners
23 because they would rather have a full parking lot than an empty one. His criticism
24 would be he didn't know what to do with all those bikers. When the bikers park there
25 they claim they are going to eat at Planet Smoothie and come back and have lunch at
26 Panera. It's a tough one. He put up signs that we are allowed to tow but that may be a
27 problem if we go and do that. We are to code. All those tenants have re-upped their
28 option periods. Seventy percent of the center are the original tenants from 17 or 18
29 years ago. He agreed it was tight. We've tried everything. The valet didn't work so
30 good.

31
32 Chairman Hawkins asked Mr. Pelloni if he didn't want a cross access easement or was
33 that per his lease with Verizon.

34
35 Mr. Pelloni said we are meeting all of their criteria with their parking lot and everything
36 has to match—the architecture, landscaping, bollards and all that stuff.

37
38 Member Aycoth asked if it was required that the restaurant that goes in to the left have
39 drive thru.

40
41 Mr. Pelloni said he thought they had to plan on it judging from what we see with the
42 Starbuck's. He said he was a little surprised. This is the type of work we normally do
43 but when they filled up Central Park retail, he was shocked they were able to do that in
44 the middle of International. There were times we were struggling with Park Place. To
45 have retail not on the corner but on International is remarkable. He thought they
46 needed to leave the options open. He loved the interest but it is only interest. You will

1 get the hair, the nails and dry cleaners but it's enough square footage where it would be
2 nice to play it safe and say can we get that second drive thru and find a tenant that is
3 appropriate. It might not turn out that way but it would certainly be nice now. A lot of
4 the industry leaders that used to be in line are drive thru. Panera's new format is drive
5 thru only. All their new starts are freestanding buildings unless there is a really unique
6 situation.

7
8 Chairman Hawkins asked if anyone wanted to speak for or against this item. No one
9 came forward at this time and the public hearing was closed.

10
11 Chairman Hawkins said he was in favor of this and his only comment is he didn't like
12 drive thrus clogging the entrances. Chick-Fil-A did it.

13
14 Member Taylor thought it was a good development. If there is a way to architecturally
15 turn it. There's nothing worse for the developer, retailer or customer than gridlock. It
16 makes you not want to go back and deters you. She didn't think that was what they
17 were going for. Other than that it looks like a great addition to the community.

18
19 Member Aycoth said we focused on the building and it may be a problem at the stop
20 light. He asked if there was a possibility to slide the entrance down one tree.

21
22 Mr. Noto said we may have looked at that and part of the problem is there are some
23 transformers and other infrastructure due to the needs of the entrance. We will look at
24 that again.

25
26 **Sam Aycoth moved to approve 2016-SP-05, request for site plan approval to**
27 **construct 23,418 square feet of commercial space and 32,000 square feet of**
28 **future office space located at the northeast corner of International Parkway and**
29 **Heathrow Park Lane with three conditions noted by staff, seconded by Steven**
30 **Gillis and motion carried unanimously 4 - 0.**

31
32 **CONDITIONS:**

- 33
34 1. **The dumpster enclosure shall be a minimum six-foot tall masonry wall and**
35 **must be constructed of a permanent, low maintenance finish such as**
36 **patterned concrete, rock-salted concrete, split face or ribbed concrete,**
37 **stone, brick, or tile. Stucco and raw concrete are not acceptable finishes.**
38 **Gates necessary to access the refuse area shall be a minimum of six foot**
39 **high and may be constructed of wood.**
40
41 2. **The site construction permit plans shall show the tree protection detail on**
42 **the landscape sheets.**
43
44 3. **The irrigation plans shall be updated as part of the site construction permit**
45 **plan submittal to show stub outs to all areas needing irrigation.**
46

1 B. 2016-RZ-02, 2016-RZ-03, and 2016-PSP-04: Recommendation to the Mayor
2 and City Commission regarding a request for a Preliminary and Final Planned
3 Unit Development (PUD) and a Preliminary Subdivision Plan for Waterside II,
4 a proposed 9-lot single family residential subdivision located at the southeast
5 corner of West Lake Mary Boulevard and Stillwood Lane. Applicant: ZDA
6 Land Investments, LLC, Mr. Allan Goldberg (Public Hearing – Quasi Judicial)
7

8 Mr. Noto said for the three file names just read off we will do separate motions for each
9 one. He clarified that 2016-RZ-02 and 2016-RZ-03 are rezoning requests of A-1
10 Agricultural to PUD.
11

12 Mr. Noto showed the location map on the overhead. This is the 13-acre property at the
13 very eastern portion of the city limits. To the west is Waterside Phase I, Stillwood Lane,
14 and some of the other development projects that have occurred over Lake Mary
15 Boulevard.
16

17 Mr. Noto showed the combined preliminary/final PUD plan and preliminary subdivision
18 plan on the overhead. The reason they are combined is the preliminary PUD plan is
19 just a concept plan. This is more detailed than what you would see with a preliminary
20 PUD. The final PUD and preliminary subdivision plan requires 30% engineering. The
21 plans you have received are 30% engineering. From this stage they would submit the
22 final engineering plan and final subdivision which is 100% engineered.
23

24 Mr. Noto said the request is to rezone the property to PUD Planned Unit Development
25 and the preliminary subdivision plan and final PUD showing a 9-lot subdivision. The
26 minimum lot size required for this parcel is 40,000 square feet. That is due to the Big
27 Lake Mary overlay that was adopted by the City many years ago. This project complies
28 with that minimum lot size of 40,000 square feet. The A-1 zoning category requires lots
29 of three acres in size. We don't see many three-acre properties in this direct vicinity.
30 The land use category is LDR which is Low Density Residential and allows up to 2-1/2
31 units per acre. As a whole they could attempt to squeeze 33 lots out of this parcel.
32 Over the years we have gotten calls from developers that wanted to do apartment
33 projects and townhome projects. Due to a number of reasons, zoning and land use
34 regulations being part of that, those projects did not pan out. What we are left with is
35 this 9-lot subdivision which comes in at less than one unit per acre based on the layout
36 being proposed.
37

38 Mr. Noto said the smallest lot will be Lot 8 which is at the southeast corner of the project
39 which is just over 40,000 square feet. The largest lot is Lot 9 located at the southeast
40 corner of the project area. There is a large FPL easement that eats up the entire
41 eastern boundary of the property area. Lot 9 is big but their buildable area is going to
42 be constrained to where he circled in the red.
43

44 Mr. Noto said there are some wetland areas on the project site. As part of the
45 developer's agreement they are proposing a 25-foot undisturbed buffer that would run
46 adjacent to Lots 1 to 4 and then the northern part of Lot 9. The stormwater ponds run

1 parallel to Stillwood Lane. They are in the rear lot area of Lots 1 through 4. There is a
2 pond area at the northeast corner of Lot 5, the northern part of Lot 9, and more
3 stormwater area on the rear of Lots 6, 7 and 8.

4
5 Mr. Noto said there is a big difference between Waterside I and Waterside II. Aside
6 from the fact that the City had to deal with a lawsuit with Waterside I around ten years
7 ago, those lots were developed with individual stormwater ponds on them. That is how
8 the project was approved and is how the project was permitted. The subdivision
9 occurred and as individual homebuilders came in it was their responsibility to build a
10 stormwater pond on that parcel. The stormwater ponds were not built as part of the
11 overall infrastructure for Waterside I. That caused some problems during construction
12 because it was left up to the homebuilders to build the ponds and to grade the lots at
13 the same time. They were occurring at different times and different lots. It was as the
14 market went along. We talked with the developer about that and we said we don't want
15 that to happen again. It doesn't happen too often with residential subdivisions.
16 Typically a developer will have a large parcel and will do one stormwater pond, do that
17 when they do the infrastructure and be done with it. What happened with Waterside I
18 was a little different due to the lawsuit and some other constraints of the project area.

19
20 Mr. Noto said some of the members were not on the Board when Sandhill Cove came
21 through but Chairman Hawkins and Member Taylor may recall Sandhill Cove off Linda
22 Lane is a similar project in that they built stormwater behind the lots and had swales
23 along the front. The stormwater will be built when the site construction permit is issued
24 so when all the infrastructure goes in and the improvements to Stillwood Lane they
25 would go ahead and build the stormwater pond areas, will build the swales in front of
26 Lots 1 through 5, to prepare the homebuilders to have a lot that is ready to be built
27 upon. They don't have to worry about different elevations being done, don't have to
28 worry about adding stormwater ponds or taking stormwater away. It will be ready to go.
29 We expect that to help how the neighbors are impacted by this development when the
30 individual homes are built.

31
32 Mr. Noto said along the north side of the project area, for Waterside I they have a
33 decorative wall that runs parallel to Lake Mary Boulevard. That type of wall design will
34 be continued. It won't go all the way to the east. There are some severe elevation
35 changes and then the wetland area so there is not going to be any construction
36 occurring in that general vicinity anyway. Where there will be a home you will have that
37 decorative wall.

38
39 Mr. Noto said for Waterside I a lift station was built. A lot of coordination was had with
40 the City of Sanford. Sewer connections will be made to that lift station and the
41 appropriate amendments are going to be made to those prior agreements between the
42 developer and the City of Sanford.

43
44 Mr. Noto said we have a number of findings in the staff report. This report is a
45 combination of three different processes. Two of those processes, the final PUD and
46 preliminary subdivision, have their own findings of fact. This is also a rezoning so we

1 have a number of pages of findings that we had to go through with the Code to ensure
2 this request complied with City Code and the Comprehensive Plan. That starts on Page
3 5 where we have the PUD findings. There were four findings of fact we had to review
4 as part of the request. In some you can see that all of the requirements were met. He
5 pointed out finding of fact No. 1 had seven sub-findings that the applicant had to meet in
6 order for us to find that the request was consistent with code. The findings range from
7 things having to deal with unique layouts and unique development designs that would
8 improve the neighborhood and be consistent with the neighborhood and how
9 conventional zoning would require a design that would not work in this area. You can
10 see in sub-finding No. 6 we entered some language saying when you have the lot sizes
11 consistent with the surrounding neighborhoods such as Waterside I and the
12 development to the south it allows for a more unique design with Stillwood Lane.
13 Instead of having to be a 50-foot right-of-way it can be closer to 20 and 30 feet wide.
14

15 Mr. Noto said going into Page 6, 7 and part of 8 we have the rezoning findings of fact.
16 Those have to do with the need and justification of change, how it impacts the
17 surrounding properties, and compliance with the Comprehensive Plan. The PUD
18 zoning district lines up with just about every land use category we have in our
19 Comprehensive Plan. This piece of property has LDR Low Density Residential land use
20 and how the PUD is structured is in compliance with the Comp Plan.
21

22 Mr. Noto said he would briefly talk about Finding No. 1 as far as the need and
23 justification. For years we have been looking at housing needs of the City. He touched
24 on the fact that our population from 8:00 A.M. to 5:00 P.M. almost triples because so
25 many people are coming in for work. We find we have a 2-1/2 ratio of jobs to housing.
26 We are trying to find that balance and we find that projects like this really fill up quickly.
27 Not only is Waterside I filling up quickly we have two other projects we are doing
28 inspections on Washington Avenue and off Crystal Drive. The need for housing is
29 definitely there and we are finding the market responding well.
30

31 Mr. Noto said as opposed to the rezoning findings of fact and the PUD findings of fact,
32 the preliminary subdivision findings of fact is just that it is consistent with Chapter
33 155.12 of the City's Code.
34

35 Mr. Noto said how the process works from here is the Board is making a
36 recommendation on each item: 2016-RZ-02, 2016-RZ-03, and 2016-PSP-04 to the
37 Mayor and City Commission. There will be two readings of 2016-RZ-03. That is the
38 final PUD developer's agreement. That will be an ordinance and is why there are two
39 readings. The Commission will also act on 2016-PSP-04. All of this will be occurring in
40 the September cycle. From there the applicant would submit his final subdivision plan
41 and it would come back before you at a later date.
42

43 Mr. Noto said for the PUD findings of fact, staff finds the request for the preliminary and
44 final planned unit development for Waterside II is consistent with Section 154.61 (D) (2)
45 (d) of the City's Code of Ordinances. We are recommending approval of the PUD.
46

1 Mr. Noto said as it relates to the rezoning, we found the request to rezone from A-1 to
2 PUD did comply with Section 154.27 (A) (2) of the City's code of Ordinances.
3
4 Mr. Noto said we found the preliminary subdivision plan is consistent with Chapter
5 155.12 of the Code of Ordinances.
6
7 Mr. Noto said we are recommending approval of both rezones and the preliminary
8 subdivision plan.
9
10 Mr. Noto said the main access is on Stillwood Lane. That is how Waterside I and the
11 residents of Stillwood Lane access their property. If you recall for Waterside I there is an
12 access easement for all to use. Certain parts of Stillwood will be widened at different
13 degrees as you go from the north to the south. There is a certain amount of paving
14 being added in certain areas dependent upon how much pavement exists. For
15 example, the northern part of Stillwood Lane in the middle of that circle you can see
16 there is a little less pavement being added. As you move south is the 20-foot wide
17 section that is being paved. That will act as improved access for the current residents
18 of Stillwood and the future access for those on Lots 3, 4, 5, 6, 7, 8 and 9.
19
20 Chairman Hawkins asked if the southern little tail of Stillwood was paved.
21
22 Mr. Noto said it is improved but this pavement will help it and widen it. They are adding
23 a 12-foot paved section so it goes approximately five feet wide to 17. That's through a
24 separate agreement with the residents of those lots. It will be paved.
25
26 Chairman Hawkins said it seemed that the plans showed it as dirt.
27
28 Mr. Noto said the 12-foot section will be paved. He asked the applicant if the remaining
29 section is going to be paved or left as is on the west side of the property line.
30
31 Mr. Goldberg answered from the audience it would remain dirt.
32
33 Mr. Noto said there would be a dirt segment and then the 12-foot of pavement on the
34 east side of the property line.
35
36 Chairman Hawkins said the dirt part is not on their property.
37
38 Mr. Noto said that is correct.
39
40 Mr. Noto said we have three conditions. We are recommending approval based on the
41 findings and have three conditions outlined on Page 8 of the staff report.
42
43 Chairman Hawkins said he was fine with the wall not going down into the wetlands.
44 Sidewalks aren't depicted. He said Mr. Noto stated a sidewalk was to be placed on one
45 side or the other of Stillwood Lane.
46

1 Mr. Noto said Condition 3 says the final subdivision plan shall show sidewalks on at
2 least one side of both Stillwood Lane and Jerusalem Point. We will at least have it on
3 one side. We wanted to see how the engineering works out.

4
5 Chairman Hawkins said he thought it should be on the east side because adjacent to
6 Lot 2 you've got a driveway there so it doesn't make sense to cross it over. He asked if
7 there was any problem with changing that to the east side of Stillwood.

8
9 Mr. Goldberg answered from the audience that was fine.

10
11 Chairman Hawkins said he lives in Cardinal Oaks Cove just to the south of here. We
12 have historically and currently have problems with people utilizing the power line
13 easement for the running of businesses from the back of their homes. Two things he
14 was not happy with about this plan and that is he didn't believe that Lot 9 should own
15 any of the power line easement. He strongly felt that the subdivision ought to own all
16 the property in the power line easement because it shouldn't be up to the owner of Lot 9
17 to deal with the power line company and the power line easement. It should be up to
18 the subdivision to do that. The second thing is along that regard is he believes this
19 subdivision should erect and maintain a fence between the power line and the
20 subdivision. That is from personal experience with Cardinal Oaks Cove. Property 9 is
21 the one that is L shaped. Cut off 9 to not include the power line easement.

22
23 Mr. Noto said he thought they could work with that but we have to be sure Lot 9 is a
24 minimum of 40,000 square feet. If the Board will allow some flexibility to meet that
25 minimum lot size we will work with the applicant to see what can be done.

26
27 Chairman Hawkins said he firmly believed that the onus to maintain the power line
28 easement should be property owner 9's responsibility or conversely for them to be able
29 to use the power line easement as their personal property. In other words put a gate
30 and fence and clear that land and cut it.

31
32 Mr. Noto said he asked Mr. Goldberg if FPL was required to maintain the easement
33 area and he said yes. There may also be some restrictions in their easement. Let's
34 assume if Lot 9 were to stay in its current configuration, it is likely that easement area
35 includes language that says you cannot have fences or other types of improvements to
36 allow for FPL to maintain and access their easement.

37
38 Chairman Hawkins said his point is property owner 9 could utilize that easement for
39 their own personal whatever within the boundaries of whatever is being set. That is the
40 problem with Cardinal Oaks Cove. The people along the power line own part of that
41 easement and have been using it to run trucks in and out to the back of their property.
42 That's why he is strongly in favor of a 6-foot chain link fence north to south on property
43 9. Reconfigure this a bit however you want to do it. The lots are plenty big enough.
44 Besides that this would be a very nice subdivision with nice homes. He was strongly in
45 favor of it after going through what we went through in Waterside I.

1 Member Taylor had a question about how it is set up. This is 2016-RZ-02 and RZ-03
2 and are separate amendments.

3
4 Mr. Noto said RZ-02 is the preliminary PUD requirements which provide a concept plan.
5 That goes to the City Commission as the concept plan but the plan itself shown on the
6 overhead is the concept plan, the final PUD, and the preliminary subdivision.

7
8 Member Taylor said for voting purposes she was trying to figure out their titles.

9
10 Mr. Noto said RZ-02 is the preliminary planned unit development, RZ-03 is the final
11 planned unit development, and PSP-04 is the preliminary subdivision plan.

12
13 Member Taylor asked Mr. Noto if he said there was a rezoning request from A-1 to PUD
14 or is that sustained within that.

15
16 Mr. Noto said it is part of RZ-03. You also have a copy of the developer's agreement
17 that will be going forward to the City Commission so if you have any comments on that
18 please let us know.

19
20 Allan Goldberg, Manager of ZDA Land Investments, LLC, 100 South Virginia Avenue,
21 Winter Park, Florida, came forward. He said he concurred with staff's recommendations
22 and the three additional considerations they have provided.

23
24 Mr. Goldberg said to address the concern on Lot 9, if we eliminate the additional
25 property that's on the power line easement, Lot 9 doesn't meet the minimum
26 requirements of 40,000 square feet. Because of the concern about driving from the
27 south side of the easement into those lots he suggested we put language in the
28 declarations that can be approved by the City Council only allowing access to those lots
29 on the easements that are provided so that the HOA wouldn't allow any direct access
30 from the power easement.

31
32 Chairman Hawkins asked Mr. Goldberg if he wanted to put a chain link north to south.

33
34 Mr. Goldberg said he didn't want to put a chain link fence in this community period.

35
36 Chairman Hawkins said with all due respect, what you are suggesting will not work
37 based on personal and HOA experience with Cardinal Oaks Cove. He said he would
38 like you to work something else out. He said that was his request.

39
40 Mr. Goldberg said if we are not allowed to use that property in the calculation of acreage
41 for Lot 9, it won't exist. It is not a minimum of 40,000 square feet.

42
43 Mr. Noto asked if another type of fence material would be acceptable.

44
45 Chairman Hawkins said whatever; just something prohibitive. Just a 6-foot high fence
46 from the retention pond south. He didn't think it needed to go further north.

1
2 Mr. Goldberg said you are requesting a 6-foot high fence and it can be polyvinyl.
3
4 Chairman Hawkins said whatever you want.
5
6 Mr. Goldberg said from the southern point of the retention pond to the southernmost
7 point of the property line.
8
9 Chairman Hawkins said to include the declarations you mentioned.
10
11 Mr. Goldberg said the calculation of Lot 9 is still a concern. If you put the fence along
12 the eastern portion of Lot 9, we don't have a 40,000 square foot lot.
13
14 Member Aycoth asked how big was Lot 9 as it is currently configured because it looks to
15 be about twice as big as 7 and 8.
16
17 Chairman Hawkins said the solution is to make Lot 9 part of the wetland. Make Lot 9 up
18 to 40,000 square foot and include whatever part of the wetland you want.
19
20 Mr. Goldberg asked if that was allowable under code.
21
22 Ms. Reischmann said she thought they would require some kind of fencing but still have
23 Lot 9 own under the power line and it would still count as part of their property but you
24 could require some sort of fencing in the covenants and restrictions as well. It wouldn't
25 eliminate the square footage of the lot.
26
27 Chairman Hawkins said he liked his idea better. He lives on Lake Mary and had an
28 acre lot and about a third of it is Lake Mary and is wetland. He didn't see what was
29 wrong with part of Lot 9 extending into the wetland.
30
31 Ms. Reischmann said they are going to have the HOA own the retention ponds and the
32 wetlands.
33
34 Chairman Hawkins said he just didn't like Lot 9 owning part of the power easement.
35
36 Mr. Goldberg said as a PUD we are allowed to have variances from specific codes
37 within the City and asked if the Board would allow Lot 9 to be less than 40,000 square
38 feet.
39
40 Mr. Noto said Lot 9 is 86,000 square feet as proposed. If you have Lot 9 take up less of
41 the easement, they will barely have any of the easement if at all, and we should still
42 meet 40,000 square feet. The reason for the 40,000 is we wanted to respect the Big
43 Lake Mary overlay requirement of the minimum 40,000 square foot lot. Right now as it
44 sits it is an 86,000 square foot lot with most of it unusable because of the easement.
45 We'll have to get the scale out and figure out where the actual 40,000 lands.
46

1 Chairman Hawkins asked Mr. Noto if he could do that at final subdivision.
2
3 Mr. Noto answered affirmatively.
4
5 Chairman Hawkins said he was okay with that.
6
7 Member Aycoth said that would seem to make sense because that would satisfy
8 Chairman Hawkins' concerns about access. If they own a piece they can't access then
9 who cares.
10
11 Member Taylor said control of the fence would belong to the HOA and the responsibility
12 for the unfenced portion of the easement would belong to the HOA. One of the other
13 concerns the Chairman brought up was the individual homeowner having to negotiate or
14 coordinate with FPL. This should be at a minimum an HOA responsibility. That
15 language you would be able to put either in the developer's agreement or the bylaws.
16
17 Mr. Goldberg said he would rather have the owner of the fences be the lot owners up to
18 the point of their property line rather than having the HOA responsible for the fence. It
19 is going to sit on those two individual lots.
20
21 Member Taylor said the concern for that is if the homeowner decides to take the fence
22 down.
23
24 Chairman Hawkins said the HOA needs to own, erect and maintain the fence.
25
26 Mr. Goldberg said so there needs to be a separate tract where the fence sits on their
27 lots.
28
29 Member Taylor said if the HOA owns the remainder of the easement then the HOA
30 would be within their right to coordinate with FPL to put the fence on that easement.
31
32 Mr. Goldberg said he wasn't sure which electric company owns that but wasn't sure
33 they were allowed to put up a fence on their property. It would have to be on the lot
34 side.
35
36 Member Taylor said there was a subdivision on 46A where we couldn't put a solid fence
37 and it had to be a wrought iron-type fence in between brick because that was on a utility
38 easement. It was a non-standard fence and the trees all go through it but it had to be
39 that way because of the utility easement.
40
41 Mr. Noto said there is a substantial easement that runs along Rinehart Road which is
42 pretty much the same as this one and it has its own regulations that each property
43 owner has to follow. He asked the Board to let him look into that and see what the
44 easement restricts and allows.
45

1 Chairman Hawkins said he didn't think there needs to be a separate tract because the
2 southern portion of old Lot 9 you are going to be able to put a fence not on Lot 8's
3 property or Lot 9's property necessarily but north south.
4
5 Mr. Goldberg said he was not trying to be difficult. He said he thought he had a good
6 feeling for what needs to be done there. If you put it on the lots the HOA can't own or
7 maintain a feature on somebody's lot.
8
9 Mr. Reischmann said they can with an easement. They can have an easement.
10
11 Chairman Hawkins asked what was wrong with extending Lot 9 into the wetland.
12
13 Mr. Goldberg said because the HOA has to maintain and own the wetland per the St.
14 Johns agreement.
15
16 Chairman Hawkins said "so"?
17
18 Mr. Goldberg said if Lot 9 is the owner of a portion of that wetland it can't be included in
19 the square footage of the lot.
20
21 Member Taylor asked if Lot 5 without the retention pond was over 40,000 square feet.
22
23 Mr. Goldberg answered affirmatively.
24
25 Member Taylor asked if the retention pond could belong to Lot 9 thereby making that
26 over 40,000 square feet.
27
28 Mr. Goldberg said it absolutely could. It came up to the wetland line.
29
30 Chairman Hawkins said let's do that. That way you can have the HOA put a fence north
31 to south. The HOA is going to own that piece of property east of that red line. They can
32 put the fence on that part of the property and maintain it.
33
34 Mr. Goldberg said he understood the intent and if the Board would allow him to work
35 with staff and the City Council they could get that done.
36
37 Chairman Hawkins said okay and make that little retention pond part of Lot 9.
38
39 Chairman Hawkins asked Mr. Goldberg if he had anything further to add and Mr.
40 Goldberg answered negatively.
41
42 Chairman Hawkins asked if anyone wanted to speak for or against these three items.
43
44 Lee Batenchuk, 227 Shady Oaks Circle, came forward. The wall that was built on Lake
45 Mary Boulevard are they going to continue that along our property lines on the south
46 side.

1
2 Chairman Hawkins answered negatively. There is not going to be a wall on the south
3 side of this property. He asked Mr. Noto if that was correct.
4
5 Mr. Noto said that is correct.
6
7 Ms. Batenchuk said so it will just be open the same way our properties appear.
8
9 Chairman Hawkins said unless the property owners of 6, 7 and 8 want to put a fence on
10 their property.
11
12 Ms. Batenchuk said there is a 25-foot easement off their property.
13
14 Mr. Noto said there is a 30-foot setback.
15
16 Chairman Hawkins said 30 feet off their property line is the closest their home could be.
17
18 Mr. Noto said they will likely be closer to the north because they might want a swimming
19 pool or some other ancillary structure.
20
21 Thomas Lake, 3830 Stillwood Lane, came forward. He asked if Stillwood would be
22 changed to West Stillwood immediately or is that upon approval of the development.
23
24 Mr. Noto said the date we have from the County is September 8th and is when the street
25 signs will be installed.
26
27 Mr. Lake said that is going to be a change no matter what.
28
29 Mr. Noto said it appears that way.
30
31 Mr. Lake asked if Lake Mary had been in touch with or working with Sanford or
32 Seminole County on the median problem at Lake Mary Boulevard entering onto
33 Stillwood Lane.
34
35 Mr. Noto said the applicant will need to get a right-of-way permit. There is a small
36 adjustment being made to the median so it lines up with the curb cut on Stillwood. He
37 will be required to get a right-of-way utilization permit from Seminole County as part of
38 the final engineering.
39
40 Mr. Lake said we have had a lot of flooding. The Waterside I, however the engineers
41 okayed it did not account for all the flooding that is going to happen. We've all lived out
42 there for 50 years and there has never been any flooding until the development got put
43 in. It was up to Carol Logan's doorstep. Johnny Thomas's beach was completely
44 eroded. He asked if there was any kind of guarantee that's not going to happen to us.
45 His whole family lives on 38, 30, 40 and 50.
46

1 Chairman Hawkins said all the water on this site will be contained within this site.
2
3 Mr. Lake said any kind of flow is going to go east. He asked if that was a guarantee we
4 are not going to raise the elevation so much that it is going to go down towards Lake
5 Mary.
6
7 Chairman Hawkins said if the properties to the west of Stillwood have drainage that
8 goes east, it could be a problem.
9
10 Mr. Noto said part of the issue with Waterside I is all the stormwater ponds are on the
11 southern side of those lots in their front yards. That's because the drainage headed
12 south towards the lake. The problem we had with Waterside I while it was under
13 construction is that the ponds weren't built when they should have been built when the
14 houses were going in. To try and alleviate that from happening again it is a construction
15 methods decision and engineering. You will notice that ponds Lots 1, 2, 3, 4, 5, and 9
16 are all to the east. That's because that is where the water flows. There should be no
17 water looping to the west as a result of this project.
18
19 Mr. Lake said the elevation will not be raised up.
20
21 Mr. Noto said because of the elevations and because we are making them put all the
22 stormwater structure in first as opposed to people raising concrete and doing all this
23 other work for a house when the stormwater pond is not there. It's going to be done
24 differently to avoid those problems.
25
26 Chairman Hawkins said the properties on the south of Jerusalem Point will have
27 retention in that long skinny pond because those properties the water flows south and
28 not east. He asked if that was correct.
29
30 Mr. Noto said that is correct.
31
32 Chairman Hawkins said the only problem that could arise as long as none of the
33 properties to the west of Stillwood water flows east, that's going to be a problem.
34
35 Mr. Goldberg said if you go north/south Stillwood is the crown of the property.
36 Everything on the east side goes east and everything on the west side goes west.
37 Nothing from the west side should go east because it falls toward Big Lake Mary.
38
39 Chairman Hawkins said that is what we don't want to happen.
40
41 Mr. Goldberg said that was correct. Topo-wise the crown is the high point.
42
43 Chairman Hawkins asked Mr. Lake if that answered his question.
44
45 Mr. Lake answered affirmatively.
46

1 No one else came forward and the public hearing was closed.

2
3 Ms. Reischmann made a suggestion about the motion to simplify it and make sure we
4 get all the conditions. On RZ-02 and RZ-03 we make a motion without the conditions
5 with the understanding that the conditions under PSP-04 would be memorialized in the
6 PUD agreement or the CCRs. We will put all the conditions under PSP-04 for
7 inclusiveness so we don't have to figure out what should go in the PUD or what should
8 go in the CCRs, the CCRs being the covenants and restrictions of the HOA. Simply
9 have all the conditions listed under PSP-04.

10
11 Mr. Noto said all three items are quasi-judicial and there is a sign-up sheet in the back.

12
13 Member Taylor said she thought it looked like a good development and with some minor
14 tweaking will be a good addition.

15
16 **Colleen Taylor moved to approve 2016-RZ-02, recommendation to the Mayor and**
17 **City Commission regarding a Preliminary PUD for Waterside II, a proposed nine-**
18 **lot single family residential subdivision located at the southeast corner of West**
19 **Lake Mary Boulevard and Stillwood Lane with the four findings of fact, seconded**
20 **by Sam Aycoth and motion carried unanimously 4 - 0.**

21
22 **Colleen Taylor moved to approve 2016-RZ-03, recommendation to the Mayor and**
23 **City Commission regarding a Final PUD for Waterside II, a proposed nine-lot**
24 **single family residential subdivision located at the southeast corner of West Lake**
25 **Mary Boulevard and Stillwood Lane with the four findings of fact, seconded by**
26 **Sam Aycoth.**

27
28 Chairman Hawkins asked Mr. Noto if they needed to make any changes to the final
29 PUD based on our discussions about Lot 9.

30
31 Ms. Reischmann said when we list all the conditions of PSP-04 we indicate in there that
32 those changes are to be memorialized either within the PUD agreement or the
33 covenants and restrictions as appropriate despite the fact that we are making this
34 motion which is more general, but it is understood that some changes will be made. We
35 also have some tweaks to be made legally to the PUD agreement with the Board's
36 indulgence.

37
38 **Motion carried unanimously 4 - 0.**

39
40 **Colleen Taylor moved to approve 2016-PSP-04, recommendation to the Mayor and**
41 **City Commission regarding a Preliminary Subdivision Plan for Waterside II, a**
42 **proposed nine-lot single family residential subdivision located at the southeast**
43 **corner of West Lake Mary Boulevard and Stillwood Lane with three conditions of**
44 **staff with condition No. 3 being modified to show sidewalks on the east side of**
45 **Stillwood Lane and at least one side of Jerusalem Point and four conditions of**
46 **the Planning & Zoning Board:**

1
2 **STAFF CONDITIONS:**
3

- 4 1. The applicant shall meet the requirements of the City of Sanford as it
5 relates to the Utility Agreement and all other engineering related
6 requirements.
7 2. Each lot shall be seeded upon clearing of the stormwater pond and
8 building pad areas.
9 3. The final subdivision plan shall show sidewalks on the east side of
10 Stillwood Lane and at least one side of Jerusalem Point.
11

12 **PLANNING & ZONING BOARD CONDITIONS:**
13

- 14 4. Only access to the lots would be via the easements and the streets and not
15 the FPL easement.
16 5. The property under the FPL easement is to be owned and maintained by
17 the HOA.
18 6. The property under the retention pond which is now shown as Lot 5 would
19 become part of Lot 9 and the property under the FPL easement which is
20 now shown as Lot 9 would become an HOA tract.
21 7. The FPL easement is to have a six-foot high fence of some type running
22 along the western boundary to the southern border.
23

24 **Seconded by Sam Aycoth and motion carried unanimously 4 - 0.**
25

26 Chairman Hawkins asked when this would go to the City Commission.
27

28 Mr. Noto said in the September cycle.
29

30 X. Community Development Director's Report
31

32 Mr. Omana said since there was no City Commission meeting on August 4th he had no
33 report.
34

35 XI. Other Business
36

37 There was no other business to discuss at this time.
38

39 XII. Reports of Other Members
40

41 Chairman Hawkins said he sees we are getting a brick planter to the sign.
42

43 Chairman Hawkins asked staff to find out along Interstate 4 there are four temporary
44 signs, two are billboards and two are signs. These face I-4 as you are going from Lake
45 Mary east. They are in Primera. Two of them are 16' X 16' and are illegal. All of them
46 need to be one per parcel and need a permit.

1
2 Mr. Noto said for the parking garage at Colonial, we did their final inspections recently
3 and they provided more magnolias than required and they look good.

4
5 Chairman Hawkins said he noticed that and was hoping they will grow and fill out. In
6 hindsight he wished they had made that façade on that side a little different.

7
8 Member Aycoth said on Rinehart Road in the Stirling Center, there are some very large
9 trees there. They have not been trimmed in quite a while. They are at a point now
10 where they are unruly as well as they block the visibility of the buildings. He asked if
11 there was anything that can be done to address that.

12
13 Mr. Noto said he would look at the property maintenance code. Every now and then
14 those trees get chopped up by the power company. He asked the Board to allow them
15 to get with Bruce Fleming (Code Enforcement Officer).

16
17 Member Aycoth said he was concerned because they are now three stories tall.
18 Several of those buildings are for sale or lease and they have been having a problem
19 doing that because there is no visibility on Rinehart for signage with those trees there.
20 They run from the bottom of the second floor at least to the top of the buildings.

21
22 XIV. Adjournment

23
24 **Steven Gillis moved to adjourn, seconded by Sam Aycoth and motion carried**
25 **unanimously.**

26
27 There being no further business, the meeting adjourned at 7:22 P.M.

28
29
30
31
32 _____
Robert Hawkins, Chairman

Mary Campbell, Deputy City Clerk