

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

4
5 1. Call to Order

6
7 The meeting was called to order by Mayor David Mealor at 7:05 P.M.

8
9 2. Moment of Silence

10
11 3. Pledge of Allegiance

12
13 4. Roll Call

14
15 Mayor David Mealor
16 Commissioner Gary Brender
17 Deputy Mayor George Duryea
18 Commissioner Sidney Miller – Absent
19 Commissioner Jo Ann Lucarelli

Jackie Sova, City Manager
Carol Foster, City Clerk
Dianne Holloway, Finance Director
John Omana, Community Dev. Dir.
Steve Noto, City Planner
Krystal Clem, Senior Planner
Bryan Nipe, Parks & Recreation Dir.
Bruce Paster, Public Works Director
Tom Tomerlin, Economic Dev. Dir.
Steve Bracknell, Police Chief
Frank Cornier, Fire Chief
Katie Reischmann, City Attorney
Mary Campbell, Deputy City Clerk

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29 5. Approval of Minutes: October 20, 2016

30
31 **Motion was made by Commissioner Lucarelli to approve the minutes of the**
32 **October 20, 2016, City Commission meeting, seconded by Commissioner Brender**
33 **and motion carried unanimously.**

34
35 6. Special Presentations

36
37 A. City Employees of the 3rd Quarter – Seth Clayton & Ruben Morales

38
39 Ms. Sova said we are here tonight to recognize Seth and Ruben for completing their
40 backflow testing licenses. That is in addition to their regular duties. It is something
41 these fellas stepped up to do. We have about 46 backflow preventers in the City that
42 used to have to be tested by an independent contractor but now we can test those
43 ourselves. The licenses these two have obtained will save us about \$2,500 a year and
44 going forward that will grow. We appreciate their efforts. Ms. Sova presented
45 certificates to Seth Clayton and Ruben Morales.

1 7. Citizen Participation – This is an opportunity for anyone to come forward and
2 address the Commission on any matter relating to the City or of concern to our
3 citizens. This also includes: 1) any item discussed at a previous work session;
4 2) any item not specifically listed on a previous agenda but discussed at a
5 previous Commission meeting; or 3) any item on tonight’s agenda not labeled as
6 a public hearing. Items requiring a public hearing are generally so noted on the
7 agenda and public input will be taken when the item is considered.
8

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

10
11 8. Unfinished Business

12
13 A. Ordinance No. 1550 – Amending Chapter 92 of the Code of Ordinances
14 entitled “Parks and Playgrounds”, amending fees charged for the use of the
15 facilities and programs – Second Reading (Bryan Nipe, Parks & Recreation
16 Director)

17
18 The City Attorney read Ordinance No. 1550 by title only on second reading.

19
20 Mr. Nipe said staff had no further comments.

21
22 Deputy Mayor Duryea said he assumed nothing has changed since first reading.

23
24 Mr. Nipe said nothing has changed.

25
26 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1550. No
27 one came forward and the public hearing was closed.

28
29 **Motion was made by Commissioner Brender to approve Ordinance No. 1550 on**
30 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**
31 **call vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes;**
32 **Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**

33
34 B. Ordinance No. 1551 – Amending Purchasing Policy – Second Reading
35 (Dianne Holloway, Finance Director)

36
37 The City Attorney read Ordinance No. 1551 by title only on second reading.

38
39 Mr. Holloway said we have two slight changes from the last reading. One is to correct a
40 misspelling in the Purpose section (31.01 (A)). The second one is on the definition of
41 “competitive solicitation”. We had that we would go for two or more bids but sometimes
42 we don’t get two. We made it a competitive bid that if we get one and it’s what we need
43 we will go for it.

44
45 Mayor Mealor asked the City Attorney if everything okay on her end.
46

1 Ms. Reischmann answered affirmatively.

2
3 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1551. No
4 one came forward and the public hearing was closed.

5
6 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1551 on**
7 **second reading, seconded by Commissioner Brender and motion carried by roll-**
8 **call vote: Deputy Mayor Duryea, Yes; Commissioner Lucarelli, Yes;**
9 **Commissioner Brender, Yes; Mayor Meador, Yes.**

10
11 C. Ordinance No. 1553 – Request from Lake Mary Florida Congregation of
12 Jehovah’s Witnesses to annex property located at 821 North Country Club
13 Road – Second Reading (Public Hearing) (Steve Noto, City Planner)

14
15 The City Attorney read Ordinance No. 1553 by title only on second reading.

16
17 Mr. Noto stated staff had no additional comments.

18
19 Commissioner Brender asked how far the water line went north of Country Club.

20
21 Mr. Paster said when the Kingdom Hall came in and we provided them water they were
22 the only lot that was being served outside the city limits. At the time they agreed to be
23 annexed in at any time we requested. Mr. Walker’s property is one lot north and we will
24 extend the water line to his lot.

25
26 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1553. No
27 one came forward and the public hearing was closed.

28
29 **Motion was made by Commissioner Brender to approve Ordinance No.1553 on**
30 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**
31 **call vote: Commissioner Lucarelli, Yes; Commissioner Brender, Yes; Deputy**
32 **Mayor Duryea, Yes; Mayor Meador, Yes.**

33
34 D. Ordinance No. 1554 – Request from Jason Walker to annex property located
35 at 845 North Country Club Road – Second Reading (Public Hearing) (Steve
36 Noto, City Planner)

37
38 The City Attorney read Ordinance No. 1554 by title only on second reading.

39
40 Mr. Noto stated staff had no additional comments.

41
42 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1554. No
43 one came forward and the public hearing was closed.

44
45 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1554 on**
46 **second reading, seconded by Commissioner Brender and motion carried by roll-**

1 **call vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes;**
2 **Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

3
4 Mayor Meador welcomed the representatives of our Forest community. The Forest
5 liaisons are with us tonight and it is always a joy to have them.

6
7 9. New Business

- 8
9 A. Approval of the Interlocal Funding Agreement between Seminole County
10 and the City of Lake Mary addressing a Jobs Growth Incentive for Deloitte
11 Consulting, LLP, for the creation of 850 new jobs within the City (Tom
12 Tomerlin, Economic Development Director

13
14 Dr. Tomerlin said this item considers City participation and a Jobs Growth Incentive, or
15 JGI for short, for Deloitte Consulting, LLP. City participation in the JGI is outlined in an
16 interlocal agreement and is what's before the Commission this evening. He introduced
17 Craig Gaw, Senior Tax Manager with Deloitte, based in Seattle; Casey Barnes, Vice
18 President with Orlando EDC; and Pamela Lynch with Seminole County Economic
19 Development.

20
21 Dr. Tomerlin said the JGI is locally administered by Seminole County in partnership with
22 the seven cities within the County. Typically the JGI incentives are paid up front with a
23 surety instrument in place. However, this particular JGI is written as a performance
24 grant. As such he addressed some unique features of this JGI grant. (1) This JGI
25 agreement requires that the jobs be created first. (2) This JGI agreement requires that
26 newly created jobs be vested for two years before payment. (3) The per-job award is
27 lower than what is typical. Typically when the County partners with the City, they start
28 at \$2,000 per job. For Deloitte Consulting, the Phase 1 payment was based on \$1,700
29 per job, split evenly between us and the County. The Phase 2 agreement is for \$1,200
30 per job. The Phase 2 agreement is what we are considering this evening.

31
32 Dr. Tomerlin said other features of this agreement include detailed monitoring activity in
33 advance of any kind of payout. There will be no overlap of payment between the Phase
34 1 and the Phase 2 incentive. The first payment of this incentive is not estimated to
35 commence until Fiscal Year 2020/21.

36
37 Dr. Tomerlin said Deloitte Consulting has successfully ramped up their U.S. Technology
38 Delivery Center in Lake Mary and are currently right at their goal of 1,000 new jobs.
39 This incentive addresses continued growth of their Lake Mary Tech Delivery Center at a
40 location that is directly adjacent to their current facility at 901 International Parkway.
41 Deloitte Consulting is hiring primarily computer science talent in Lake Mary and their
42 Lake Mary team works on a host of IT, software, and computer science projects for
43 clients throughout the United State. Deloitte Consulting hires approximately 22,000
44 people across the United States. One characteristic of the work that they do in their
45 Lake Mary facility is the need to keep some IT consulting projects sourced within the
46 USA borders—for instance Department of Defense, DOD type projects.

1
2 Dr. Tomerlin said the new job creation is 850 new jobs. That is on top of the 1,000 jobs
3 that were created under Phase 1. He explained he was using Phase 1 and Phase 2 for
4 lack of a better way to distinguish these two. The average annual wage is \$70,056.
5 That is 160%+ of the County average. The capital investment associated with this
6 project is approximately \$24.6 million. That \$24.6 is separate from the capital
7 investment associated with their Phase 1 activity. Once fully staffed, Deloitte will
8 become one of the County's largest single site private sector employers with 1,850 high-
9 paying jobs. Lake Mary is being asked to be an equal funding partner with the County.
10 The total incentive is equal to \$1,020,000. That is 850 new jobs times the \$1,200 per
11 job mentioned before. The City's share will be \$510,000, which is 50% of the total
12 incentive. This award will be paid out over a three-year period estimated to begin in
13 Fiscal Year 2020/21. These dollar amounts have been projected into the budget
14 forecast. The Board of County Commissioners will consider equal participation at their
15 meeting scheduled for November 15th.

16
17 Dr. Tomerlin said he was seeking approval and execution of the interlocal agreement
18 with Seminole County which addresses the City's participation in this JGI award for
19 Deloitte Consulting, LLP. He said he and the team would address any questions.

20
21 Mayor Meador said tomorrow Dr. Tomerlin was doing a presentation to Leadership
22 Seminole on economic development. One of the things he found fascinating was a new
23 Gallup study that found that right now one of the most desirable aspects are for people
24 to have a good paying job and simultaneously the opportunity for their children to have
25 a very good job in the future. What this is doing is helping to create that type of job
26 center.

27
28 **Motion was made by Commissioner Brender to approve the Interlocal Funding**
29 **Agreement between Seminole County and the City of Lake Mary addressing a**
30 **Jobs Growth Incentive for Deloitte Consulting, LLP in the amount of \$510,000**
31 **(representing 50% of the total award) and authorize the Mayor to execute,**
32 **seconded by Commissioner Lucarelli and motion carried by roll-call vote: Deputy**
33 **Mayor Duryea, Yes; Commissioner Lucarelli, Yes; Commissioner Brender, Yes;**
34 **Mayor Meador, Yes.**

35
36 Mayor Meador thanked the people from the EDC and Deloitte. We thank them for their
37 investment in this community and look forward to working with them.

- 38
39 B. Conditional Use for a private and retail recreational facility, Planet
40 Obstacle, located at 1150 Emma Oaks Trail; Andrei Roublev, applicant
41 (Public Hearing) (Steve Noto, City Planner) (quasi-judicial)

42
43 Mr. Omana said he would like to open up with some basic facts about the project. It is a
44 very unique use. This is a 16.9 acre site that is already developed. It was approved in
45 1999 as a 120,000 square foot office and warehouse facility with 190 parking spaces.
46 The applicant and his business partners want to occupy approximately 44,000 square

1 feet of that building for purposes of a private and retail recreation facility known as
2 Planet Obstacle. The way our code is structured, that is a conditional use and is why
3 we are before the Commission this evening.

4
5 Mr. Omana said the applicant, Andrei Roublev, and his business partners Mr. Yuri
6 Maiorov and Ms. Natalia Bashetova have all been leap performing members of the
7 Cirque de Soleil program. As a result, all three have performed thousands of shows at
8 the Walt Disney World Resort in the show La Nouba. In addition, Mr. Roublev and Mr.
9 Maiorov were members of the National Russian Gymnast Team in the Moscow Circus.
10 Ms. Bashetova is a former prima ballerina of the Bolshoi Ballet in Moscow and also the
11 New York City Ballet. She was also a performer in the Cirque de Soleil show in Las
12 Vegas. They have quite a bit of experience in this type of recreational facility.

13
14 Mr. Omana said the proposed hours of operation would be Monday through Friday from
15 3:00 P.M. to 9:00 P.M. He noted that prior to 5:00 P.M. the facility would only be
16 operating as an office. Saturday from 10:00 A.M. to 11:00 P.M. and Sunday from 10:00
17 A.M. to 8:00 P.M. During school breaks there would be a 15-week camp offering.
18 There will be 14 staff members and the applicant is projecting 123 guests per day.

19
20 Mr. Omana showed an aerial of the site on the overhead projector and pointed out the
21 sector where they would be locating. He said Mr. Noto would get into the conditional
22 use findings of fact analysis and staff's recommendation. He noted the applicant was
23 present for any questions the Commission may have.

24
25 Mr. Noto said the applicants are world class performers and gymnasts and we are
26 excited about what they are going to bring to this sector of the City. Some of the input
27 that John provided—hours of operation, the days of the use—all combines into the
28 findings of fact that we review as part of every conditional use. We provided those
29 findings starting on Page 3 of the staff report. The first finding has to do with
30 compliance with the Comprehensive Plan. The zoning of M-1A is compliant with the
31 Comprehensive Plan. The future land use designation is IND Industrial. The
32 conditional use falls in line with what we review as part of that provision.

33
34 Mr. Noto said Provision No. 2 talks about ingress/egress to the site, acceptable parking,
35 flow of traffic, etc. When the site was first built in 1999, they provided 190 parking
36 spaces. Eventually they added 40 more spaces in the back so the site has 230 spaces.
37 When the business opens first in the day it will function as an office. When all the other
38 users of the building leave, that is when they will transition into the recreational facility.
39 We did a couple of site visits to see how parking was working. A vast majority of the
40 site was available. We expect that to open up more after 5:00 P.M. when families and
41 users of the site come in to use the facility.

42
43 Mr. Noto said Provisions 3, 4 and 5 are very straight forward in that we already have a
44 developed site so all the screening, utilities, and buffering provisions are met. All the
45 activity related to the business will be happening indoors so off site noise and things of

1 that nature shouldn't be an issue. We will have traffic and cars coming to the site but all
2 the activities related to the facility will happen indoors.

3
4 Mr. Noto said there is general compatibility with adjacent properties, Provision No. 6.
5 That zoning category has been approved and is compliant with the Comprehensive
6 Plan.

7
8 Mr. Noto said finding of fact No. 7 is that we find the request to operate a private and
9 retail recreational facility in the M-1A Office and Light Industrial zoning district located at
10 1150 Emma Oaks Trail does not adversely affect the public interest and is a reasonable
11 request based on the aforementioned findings of fact. We are recommending approval.

12
13 Mr. Noto showed a video given by the applicant of a similar business in the state.

14
15 Mr. Noto said we have outlined similar conditional use requests. We have had a
16 number of private retail facilities going in the M-1A district that have been approved.

17
18 Mr. Noto said the Planning & Zoning Board heard this item at their regular September
19 13, 2016, meeting and unanimously recommended approval 5 – 0. He noted the
20 applicants were present.

21
22 Commissioner Brender said when he saw this his first and only thought was the parking.
23 He said Mr. Noto has been to the site and believes it will work. One of his concerns
24 was the parking is so spread out. You are going to have 120 people showing up.
25 Parking is like water downhill. They want to be close. He wasn't sure they want to park
26 at the end of a 400-foot long building for the parking space. We are going to have to
27 monitor this to make sure we can maintain some sense in how people actually park
28 when they get there. It looks like a fascinating idea.

29
30 Mayor Mealor asked if anyone wanted to speak in reference to this conditional use. No
31 one came forward and the public hearing was closed.

32
33 Mayor Mealor announced he drove out and looked at the site prior to the meeting.

34
35 **Motion was made by Commissioner Lucarelli to approve the conditional use for**
36 **Planet Obstacle, seconded by Commissioner Brender and motion carried by roll-**
37 **call vote: Commissioner Lucarelli, Yes; Commissioner Brender, Yes; Deputy**
38 **Mayor Duryea, Yes; Mayor Mealor, Yes.**

39
40 Mayor Mealor thanked the applicant for his investment in the community.

- 41
42 C. Site Plan approval to construct 4,999 square feet of commercial space at
43 187 East Crystal Lake Avenue, Station Pointe; Chris Mahnken, applicant
44 (Public Hearing) (Steve Noto, City Planner)

1 Mr. Noto showed an aerial of the existing site on the overhead. There is a building on
2 the property right now about 4,500 square feet in size on a property that was platted in
3 1920 as part of the Crystal Lake Winter Homes subdivision. We have been working
4 with Mr. Mahnken on this project for several years and we are at the point where
5 construction redevelopment is imminent. We are excited to bring this to the Commission
6 this evening.

7
8 Mr. Noto said the project is a 4,999 square foot building. One of the questions we
9 received at P&Z was why not 5,000. Five thousand square feet is when you have to
10 provide fire sprinklers. There is a trend where you provide a few square feet less than
11 5,000 you are able to meet all the codes without providing fire sprinklers.

12
13 Mr. Noto said in 2009 the applicant processed a rezoning from C-1 General Commercial
14 to Downtown Centre and the site currently has the Downtown Development District land
15 use.

16
17 Mr. Noto showed Sheet C-4 on the overhead. It is an overview of the site plan as
18 proposed by the applicant. The existing structure is going to be demolished back to the
19 metal framing and rebuilt. The parking lot will be rehabbed and new landscaping will be
20 installed. The most exciting part of this project is the pedestrian connection to the
21 SunRail platform. It took a long time to get that permitted. It is already out there now.
22 You can walk out and see the sidewalk connection. It's not complete because we have
23 to wait for this project approval to occur but you can see it on the plan at the bottom left
24 corner of the screen. That will provide a direct connection from the SunRail platform
25 onto this site and to the services that will be provided in the building. We look forward
26 to seeing folks at the donut shops, restaurants and things of that nature.

27
28 Mr. Noto said access to the site will be from East Crystal Lake Avenue. There is
29 currently two access points to the site. There is one on the west side that is going to be
30 closed up. That's because the site will have a pedestrian plaza surrounding. The
31 concept is that the west side of the building will have a restaurant with outdoor seating.
32 We are currently exploring the potential of turning that green space between Mr.
33 Mahnken's property and the police department into a small plaza area to create more of
34 an activity zone in that part of the City.

35
36 Mr. Noto said sabal palms are going to be provided along the northern perimeter of the
37 site to match the corridor plantings that were provided as part of the Station House
38 project. Additional landscaping will be planted adjacent to the SunRail platform as well
39 as the northeast corner of the site.

40
41 Mr. Noto said in 2013 the City adopted new parking code standards for the West Village
42 development area of the Downtown that removed any parking requirements for any
43 property that directly abuts the commuter rail platform which is what is before the
44 Commission this evening. There are already parking spaces on site. They are going to
45 rehab those parking spaces. We are currently working with the applicant and his
46 engineer to figure out the best layout for those spaces whether it be angled or straight

1 on. There are some conflict points we want to resolve and make sure there is proper
2 flow on the site. It will be a little different now that we have one access point. We will
3 continue working with him on that as we get into the site construction permit process.

4
5 Mr. Noto showed the conceptual elevation of the building on the overhead looking from
6 East Crystal Lake Avenue to the west.

7
8 Mr. Noto said the Planning & Zoning Board heard this item at their regular September
9 13, 2016, meeting and voted unanimously 5 – 0 to recommend approval.

10
11 Mr. Noto said staff finds the proposed site plan complies with the relevant sections of
12 the City of Lake Mary Code of Ordinances and Comp Plan and we recommend approval
13 with two conditions regarding the dumpster enclosure and the site construction permit
14 plan showing the irrigation details. He noted the applicant was present.

15
16 Commissioner Brender said this is one of those buildings that is going to be seen from
17 both sides so it needs to look good from the commuter rail side but also from the Crystal
18 Lake side. He asked how to ensure the architectural elevations all the way around.

19
20 Mr. Noto said this elevation you are looking west. We have one looking from the east
21 that is the same exact elevation. We haven't seen a rear elevation but the Commission
22 could condition the site plan that all of the elevations match the main front elevation.

23
24 Deputy Mayor Duryea said this is a lot different from the conceptual drawings we have
25 seen over the years. He asked if that was a function of the size of the property or what.

26
27 Mr. Noto said the size of the property and market conditions. Based on the location we
28 have looked at this as a four story and three story and it has varied over the years. It
29 boils down to the size of the property and the limitations, the lending availability from the
30 banks based on parking in the area. This is the best that can be done on the property.
31 There is the potential for future growth going vertical above the first floor. There will be
32 the opportunity to have a second, third or fourth floor in the future.

33
34 Commissioner Brender asked if the building would be constructed with the second story
35 in mind.

36
37 Mr. Chris Mahnken, applicant, answered from the audience not at this time.

38
39 Commissioner Brender said when you are dealing with the train station you want that
40 density and higher altitudes. He understood market conditions and is what you have to
41 deal with. If there is something the applicant can design into the building that makes it
42 easier to be able to do that at some point in the future then it would be something he
43 could support.

44
45 Commissioner Lucarelli said she liked it. It might not be what everybody expected but
46 you have to go with what the market demands. She knew Chris Mahnken does quality

1 work. Things may change ten years down the road but from what's there now this is
2 going to be a tremendous enhancement.

3
4 Mayor Mealor asked if anyone wanted to speak in reference to this site plan. No one
5 came forward and the public hearing was closed.

6
7 Mayor Mealor announced he had been on the site and looked around prior to this
8 meeting.

9
10 **Motion was made by Commissioner Lucarelli to approve the site plan for Station**
11 **Pointe with three conditions, seconded by Commissioner Brender and motion**
12 **carried unanimously.**

13
14 **CONDITIONS:**

- 15
16 1. **The dumpster enclosure shall be a minimum six foot tall masonry wall and**
17 **must be constructed of a permanent, low maintenance finish such as**
18 **patterned concrete, rock-salted concrete, split face or ribbed concrete,**
19 **stone, brick, or tile. Stucco and raw concrete are not acceptable finishes.**
20 **Gates necessary to access the refuse area shall be a minimum of six foot**
21 **high and may be constructed of wood.**
22 2. **The site construction permit plans shall show irrigation details, including**
23 **but not limited to stub outs, to all areas needing irrigation.**
24 3. **All elevations of the building shall match.**

- 25
26 D. Request for a Preliminary Planned Unit Development (PUD) for a 76-lot
27 single-family residential subdivision located at the southwest corner of
28 Rinehart Road and Anderson Lane; CPH, Inc., Javier E. Omana, applicant
29 (Public Hearing) (Steve Noto, City Planner) (quasi-judicial)

30
31 Mr. Noto said the next item on the agenda is related and requested to present them
32 both at the same time. There were no objections from the Board.

33
34 The City Attorney read Ordinance No. 1552 by title only on first reading.

35
36 Mr. Noto showed an aerial of the project area related to the comprehensive plan. He
37 pointed out two properties referred to as the Galaxy parcels that are not part of the
38 comp plan amendment but are part of the preliminary PUD.

39
40 Mr. Noto said the preliminary PUD request is for a 76-lot single-family residential
41 subdivision located at the southwest corner of Rinehart Road and Anderson Lane. Two
42 years ago Mattamy Homes was before the Board for a comp plan amendment on less
43 land than what is shown here this evening for 81 townhomes. That request was denied.
44 We received direction at that time that if a project was to come forward in this general
45 area to ensure that it includes all of the properties in the general area to avoid creating
46 an enclave. What was a pleasant surprise with this request is that it included the two

1 Galaxy parcels. We felt that was very important in that it gave them access to the
2 existing traffic circle that is adjacent to Crystal Lake Elementary. They helped alleviate
3 a lot of the access problems that we ran into in the first go round with Mattamy Homes.
4

5 Mr. Noto said some of the history that goes further back, there were a number of
6 rezonings and land use requests on a number of different parcels. There were site
7 plans approved in the early 2000's or late 1990's for wellness centers, office buildings
8 and things of that nature. None of those projects were built. He showed the land use
9 map on the overhead. What we have now is a restricted commercial and office corridor
10 from a land use perspective. From a zoning perspective, we have a mix of commercial
11 and office uses per the zoning code.
12

13 Mr. Noto showed the preliminary PUD plan on the overhead. The preliminary PUD
14 process involves a concept plan. It doesn't have to be engineered. What is on the
15 overhead is the initial concept for this subdivision. The Galaxy parcel is just a piece of
16 land on its own. There is not a plan for site development on that parcel just yet. It will
17 be subdivided out from the rest of the project. The single-family home project goes all
18 the way to the west with 76 lots. We are currently reviewing the final PUD and
19 preliminary subdivision plan which includes 78 lots. The overall density that they are
20 requesting is under 4 dwelling units per acre. The Mattamy Homes project that came
21 before the Commission two years ago were requesting the HDR High Density
22 Residential land use category which would allow up to 9 dwelling units per acre. Under
23 the Low/Medium Density request the maximum density is 4 dwelling units per acre.
24 Given the amount of lake area and wetlands they have to less out as part of the density
25 calculations they fall below the requested 4 dwelling units per acre.
26

27 Mr. Noto said the overall project size for the preliminary PUD is just under 36 acres.
28 The parent parcel, which is the residential portion, will be subdivided again into
29 residential lots with a mixture of sizes between 50' X 110' and 60' X 105', similar to
30 Manderley and Woodbridge Lakes which are also on the Rinehart Road Corridor.
31

32 Mr. Noto said something not shown on this plan but we have caught as part of the final
33 PUD based on direction from the Planning & Zoning Board is a southbound right-turn
34 lane into the site. They are already proposing a northbound left at the traffic signal. As
35 you are heading north on Rinehart there will be a dedicated left turn lane into the
36 project. It is not shown on this plan but they are also planning a southbound right turn
37 lane into the project. That would occur at the traffic signal. No access would occur from
38 Anderson Lane. We are currently working with the applicant to figure out how we can
39 have emergency access occur from that area through a stabilized roadway which is
40 similar to what we have done with other subdivisions in the City where they have just
41 one point of main access.
42

43 Mr. Noto said the applicant is proposing a 25-foot landscape buffer adjacent to Rinehart
44 Road and the Galaxy parcels will have buffers that meet the requirements of the PO
45 zoning district which is their underlying zoning district now. We will continue to work

1 with the applicant on how the buffers will be designed and incorporated into the project
2 as you go west as it abuts Primera to the north and west.
3
4 Mr. Noto said the Seminole County Public Schools staff have done a school impact
5 analysis for the project and have found their adopted level of service continues to be
6 met even with this project.
7
8 Mr. Noto said there are multiple stormwater ponds provided throughout the site and the
9 full engineering of those will be done as part of the final PUD and final subdivision plan,
10 with the final PUD plan being 30% engineering.
11
12 Mr. Noto said we are currently reviewing the transportation study for the project. We
13 have found that these additional turn lanes help. We are looking at an increase in traffic
14 on Rinehart Road; however, they are looking at mitigation of the additional traffic
15 through the turn lanes and whatever else may come out of our review through our
16 consultant.
17
18 Mr. Noto said this is a concept plan and if the Commission has input on the design and
19 things they would like to see as part of the final PUD or final engineering, now would be
20 the time to let staff and the applicant know so we can make it part of the final PUD
21 process.
22
23 Deputy Mayor Duryea announced he had met with Javier Omana.
24
25 Deputy Mayor Duryea expressed concern about the width of the lots. The density is
26 very high and there's not much land with each lot. He asked how this compared with
27 the subdivisions on the east side.
28
29 Mr. Noto said this project is very similar to Manderley and Woodbridge Lakes. They
30 have similar lot sizes. There are some subdivisions in the City that have 70-foot wide
31 lots but along the Rinehart Road Corridor this is pretty consistent.
32
33 Commissioner Brender said there is going to be a northbound Rinehart left turn lane in.
34
35 Mr. Noto said that was correct.
36
37 Commissioner Brender suspected that most of the afternoon arrivals would be coming
38 from the south.
39
40 Commissioner Brender announced he met with Javier Omana and his team. He said he
41 has walked the site and has visited with a few people on Pine Circle Drive to take a look
42 at the lake and that sort of thing.
43
44 Commissioner Lucarelli announced she met with Javier Omana.
45

1 Commissioner Lucarelli said she appreciated the traffic consideration and turns lanes
2 that have been included in this design. She thought it was a great project for this
3 location. This seems to be the best fit of all the ones we have had come before us.

4
5 Mayor Meador announced he did not meet with staff but talked with them on the phone
6 and shared the concerns the Commission had from a previous item and was assured all
7 of that was taken into consideration.

8
9 Mr. Noto said as part of the final PUD review we have seen some elevations.
10 Regarding the price points of these homes we are looking at starting prices between
11 \$400,000 and \$550,000.

12
13 Mr. Noto said moving on to the Comp Plan request, he liked to point out for clarity that
14 this is called an Expedited State Review Comprehensive Plan Amendment. Staff is not
15 expediting it. That process was previously known as the Large Scale Comprehensive
16 Plan Amendment. When DCA became DEO they changed some of the language of
17 some of these requests. We are not speeding it up and are not treating it any differently
18 than any other project.

19
20 Mr. Noto said the comprehensive plan request is in relation to 33.8 acres of land. The
21 Galaxy parcels are not included as part of the comp plan amendment. He showed the
22 properties that are part of the land use amendment request on the overhead. The net
23 density less the lake area and wetlands is 3.3 dwelling units per acre which falls under
24 the maximum of the requested land use designation of Low-Medium Density Residential
25 which allows a max of 4.

26
27 Mr. Noto said when we review comp plan amendments we look for consistency and
28 compatibility with comprehensive plan policies and the surrounding neighborhood.
29 From a land use category perspective, the logical transition from the LDR up into the
30 Commercial land use via the LMDR designation.

31
32 Mr. Noto said we have outlined a number of comprehensive plan policies in the staff
33 report that this request is consistent and compatible with. The applicant has provided a
34 justification statement that has been provided as part of the packet, generally outlining
35 the consistency and compatibility with the surrounding neighborhood and policies
36 outlined in the Comprehensive Plan.

37
38 Mr. Noto said we have done a facilities and services review based on the preliminary
39 information we received on the project related to drainage and environmental, parks,
40 water/sewer, reuse water, roadways, school concurrency, and solid waste. We are
41 currently reviewing the transportation study and 30% engineering review is currently
42 underway. We found on a preliminary basis based on the land use request that all
43 facilities and service demands will be met.

44
45 Mr. Noto said the Planning & Zoning Board heard both of these items at their
46 September 13, 2016, meeting and recommended approval 4 – 1.

1
2 Mr. Noto said staff recommends approval of the preliminary Planned Unit Development
3 for a 76-lot single-family residential subdivision located at the southwest corner of
4 Rinehart Road and Anderson Lane, finding that it is consistent with the City's Land
5 Development Code and the City of Lake Mary Comprehensive Plan. We are
6 recommending approval with two conditions that all the bulk requirements are pending
7 review of the final PUD plans and developer's agreement and that the future land use
8 category shall be adopted to LMDR prior to the approval of the rezoning to PUD.

9
10 Mr. Noto said as we mentioned in the past with PUDs is there is no vesting at this stage.
11 The comp plan hearing is for approval of the transmittal to the state. The preliminary
12 PUD is for the concept plan. We will come back to the Commission in a few months for
13 adoption of the PUD which is where they get their developer's agreement and they are
14 vested.

15
16 Mr. Noto said staff has reviewed the application for the comprehensive plan amendment
17 for approval of the transmittal of the proposed Expedited State Review Comprehensive
18 Plan amendment to the City's Comprehensive Plan revising the future land use
19 designation from Office and Restricted Commercial to Low/Medium Density Residential
20 for +/-33.8 acres of property located at the southwest corner of Anderson Lane and
21 Rinehart Road based on the consistency and compatibility of the issues outlined in the
22 staff report and surrounding properties. He noted the applicants were present.

23
24 Commissioner Brender said this was presented to him as 76 lots and now understood it
25 was 78. He asked if that was the maximum.

26
27 Mr. Noto said it was varying between 76 and 79 and the latest submittal we have
28 received for the final PUD is 78.

29
30 Commissioner Brender said there should not be any additions.

31
32 Mr. Noto said he did not foresee any additions.

33
34 Mayor Mealor asked if anyone wanted to speak in reference to a preliminary Planned
35 Unit Development for a 76 to 78-lot single-family residential subdivision or the Expedited
36 State Review Comprehensive Plan amendment to change the land use designation
37 from Office and Restricted Commercial to Low/Medium Density Residential (Ordinance
38 No. 1552).

39
40 Javier Omana, CPH, Inc., 1117 East Robinson Street, Orlando, Florida, applicant, came
41 forward. He thanked staff, and especially Steve (Noto) for the thorough review. He said
42 Steve has been a tremendous asset to the development team. Steve along with John
43 (Omana) have been very helpful, very direct in pointing us in the right direction and
44 telling us what not to do.

45
46 Javier Omana introduced Matthew Patterson with Pulte who is the Project Manager. He

1 said Mr. Patterson could address questions relative to price points, architectural
2 features and the philosophy of Pulte relative to this particular site. It has been a
3 challenge for many years and he believed this project fits into what Lake Mary is all
4 about.

5
6 Javier Omana said we concur with staff's recommendation for both items. We are
7 working with staff on the final PUD. We look forward to coming back to the Commission
8 in a couple of months relative to the adoption hearing of the land use amendment and
9 approval of the PSP and final PUD.

10
11 Javier Omana said when we look at comp plans, we look at the three C's in planning:
12 consistency, context, and compatibility. This project was easy to provide justification
13 for because when we look at consistency we look at the comprehensive plan, land
14 development code, and zoning. We are consistent with the bylaws and the land use
15 objectives that the City has.

16
17 Javier Omana said for context, the setting is ideal for single family. The City is the best
18 place to live in Central Florida from a single-family perspective. It has great schools, a
19 great transportation system, and great amenities. Context makes perfect sense for this
20 type of use.

21
22 Javier Omana said in compatibility, the specific uses along Rinehart Trail, his firm had
23 been involved in the walking trail and several other projects. He was proud to say they
24 were part of the design team that worked on Fountain Park and that has been one of
25 the most successful projects for DR Horton. As consultants we don't do a job and walk
26 away. We are part of this community. We have been part of the Lake Mary community
27 for many years and we take a great deal of pride in bringing in projects that enhance
28 that livability of the City.

29
30 Dick Fess, 106 Pine Circle Drive, came forward. He said they were not opposed but
31 had some clarification questions to ask staff and the applicant. He asked if the Galaxy
32 project was part of it or not part of it. There are no conditions on that; it is commercial.

33
34 Mr. Noto said the Galaxy parcels are part of the PUD. We are working through the
35 conditions for setbacks and landscape buffers as part of the final PUD.

36
37 Mr. Fess said we are not opposed to development but that abuts our property and there
38 is concern from some of the neighbors.

39
40 Mayor Meador said when the item came before us a year ago, one of the concerns that
41 directed the Commission's action was the impact on the Pine Circle Drive residents. He
42 assured Mr. Fess that staff is well aware that that area is not to be impacted in any way
43 other than something that would be compatible.

44
45 Mr. Fess said and the buffering. We would like to be notified of that a little ahead of
46 time or if it's going to be part of the PUD. He kind of gets that it's not, it's part of the

1 calculation, it's not being conveyed, the zoning is not being changed. We are
2 concerned on that too.

3
4 Mayor Mealor said justifiably so.

5
6 Mr. Fess said he noticed on the preliminary plan the retention areas. There was a
7 group of people a few years ago that put a water plant across the street. We were told
8 don't do that because it might affect the level, quality and quantity of the water on this
9 lake. They meant well but it did happen but it was for the betterment of the City
10 because we now have city water and a very good plant. We are concerned that with the
11 retention ponds, the level or the quantity is going to go down. If it does the quality is
12 going to depreciate even more. If you have been there recently, it is almost all covered
13 with lily pads. We would like to request that maybe there is some irrigation situation
14 because the fish died when it dried up and you could walk across the lake and not get
15 muddy. The quality of the fish has diminished, the quality of the water has diminished
16 and the quantity. With retention ponds, there is going to be a reduction of the quantity
17 unless there is a pop off and an appropriate flow into the area. Now you have the
18 normal sheeting on the land the way it is and there is some inflow from the Rinehart
19 Road area.

20
21 Mr. Noto said he has taken notes on those concerns and we will have a discussion with
22 the City Engineer and applicant as part of the final PUD.

23
24 Mr. Fess said we were at the point where we don't care if we do the retention or if we
25 have an early pop off or if you could do that but we want to maintain the quality and the
26 quantity of the lake and improve it.

27
28 Mayor Mealor said with the success they have had with Crystal Reserve he thought
29 they were going to be willing to be a very good community partner in this process. He
30 appreciated Mr. Fess bringing this to their attention.

31
32 Commissioner Brender said he has looked at the lake from the back of some of the
33 homes on Pine Circle Drive and it is distressed to say the least. He shared some of Mr.
34 Fess' concerns about the retention. He remembered when he lived in Timacuan and
35 they were building the back side of Timacuan because the water sheeting from natural
36 land into the lake was mostly absorbed rather than flowed. He was hopeful they might
37 get more water into the lake because once the pop offs on the retention ponds do hit
38 then you will have the opportunity to have it flow into the lake. He has seen an example
39 of that in the past where we actually helped rather than hurt and would hope that would
40 be the case.

41
42 Judy Lynch, 110 Pine Circle Drive, came forward. She said she was going to go with
43 you're going to keep the integrity of the lake. She asked what setback line you are
44 looking at. She asked if it was at the 100-year floodplain mark, is it 100 feet, is it 200
45 feet.

1 Mr. Noto said some of the parcels are closer to the mean high water line than others.
2 The general area with property closest to the lake is on the western corner. Lots 8
3 through 13 are the closest to the mean high water line. He pointed out the FEMA
4 floodplain line. They have a 20-foot mean high water line setback on the concept plan.
5 Some of these will have a 20-foot setback from the mean high water. He pointed out
6 the area that would meet City Code and that is 75 feet from the mean high water line.
7 You will have three to five lots that have that 20-foot mean high water line setback. All
8 of the rest will meet or exceed current code requirements.

9
10 Randy Smathers, 845 Anderson Lane, came forward. He thanked staff. He has talked
11 with them on the phone over the last few weeks and they have taken his concerns. We
12 are very pleased that the family can move forward with this project. We see no problem
13 and we think it's the best fit too. We are long-term residents of the City of Lake Mary.
14 We're going to hate to leave but we believe that of all the projects we've seen over the
15 last 25 years this is probably the best fit. It will bring 75 or 76 new people who will live
16 like we have for the last 50 years.

17
18 No one else came forward and the public hearing was closed.

19
20 Commissioner Brender asked what kind of development we could expect on the Galaxy
21 property. He asked if they had any concepts, restrictions or can we negotiate
22 something within the PUD as to what can go there.

23
24 Mr. Noto said the current plan is for a 10,000 square foot office. It is part of the PUD so
25 it will be rezoned from PO to PUD when we get to that stage. The comprehensive plan
26 amendment does not apply to it. It already has the Office land use and that's good to
27 go. We do not have a design or layout of the site because Pulte is not developing it. It
28 will be developed some time in the future. The development standards will come with
29 the final PUD. Our intent is to bring forward the PO zoning district bulk requirements
30 and uses which are basically professional offices, real estate offices, accountants and
31 things of that nature. We can provide a list of the approved PO uses to the final PUD
32 hearing in the event there are some uses the Commission would like to exclude. It is
33 our intent to bring as much of the PO bulk requirements forward to this parcel.

34
35 Commissioner Brender said it will stay PO and there will not be retail.

36
37 Mr. Noto said that is correct.

38
39 Mayor Meador said just north of this is Primera property. We allowed them to go vertical
40 with increased landscaping and buffering. This might be one of those cases where we
41 will work with the applicant. This is an area that once that Galaxy area is developed
42 that the issue of enhanced buffering or landscaping be part of the PUD process out of
43 respect for the residents on Pine Circle Drive.

44
45 **Motion was made by Commissioner Lucarelli to approve the Preliminary Planned**
46 **Unit Development for a 76-lot single-family residential subdivision at the**

1 southwest corner of Rinehart Road and Anderson Lane including the conditions
2 from staff, seconded by Commissioner Brender and motion carried by roll-call
3 vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes; Commissioner
4 Lucarelli, Yes; Mayor Mealor, Yes.

5
6 **CONDITIONS:**
7

- 8 1. All bulk requirements are pending review of the Final PUD plans and
9 developer's agreement.
- 10 2. The Future Land Use category shall be adopted to LMDR prior to the
11 approval of the rezoning to PUD.
- 12 3. Other improvements or site modifications may be required based on the
13 review of the environmental study and traffic analysis.
- 14 4. Approval of the Preliminary PUD does not vest any development
15 program.

- 16
17 E. Ordinance No. 1552 – Expedited State Review Comprehensive Plan
18 Amendment to the City's Comprehensive Plan revising the Future Land
19 Use Designation from OFF (Office) and RCOM (Restricted Commercial) to
20 LMDR (Low-Medium Density Residential) for +/- 33.8 acres of property
21 located at the southwest corner of Anderson Lane and Rinehart Road;
22 CPH, Inc., Javier E. Omana, applicant – First Reading (Public Hearing)
23 (Steve Noto, City Planner)
24

25 Ordinance No. 1552 was read by title only on first reading, presented and discussed
26 and a public hearing held under Item D.
27

28 **Motion was made by Deputy Mayor Duryea to approve Ordinance No. 1552 on**
29 **first reading and authorize transmittal to the Department of Economic**
30 **Opportunity, seconded by Commissioner Brender and motion carried by roll-call**
31 **vote: Deputy Mayor Duryea, Yes; Commissioner Lucarelli, Yes; Commissioner**
32 **Brender, Yes; Mayor Mealor, Yes.**
33

34 Mayor Mealor thanked the residents of Pine Circle Drive, the Smathers family and the
35 extended property owners for their patience.
36

- 37 E. Resolution No. 986 – Rename Lake View Avenue to East and West
38 Lakeview Avenue (Public Hearing) (Jackie Sova, City Manager)
39

40 The City Attorney read Resolution No. 986 by title only.
41

42 Ms. Sova said Seminole County Addressing has found another inconsistency regarding
43 Lakeview Avenue being one word or two words. The best resolution for this is to
44 change the street name as it is platted and two properties used with the Seminole
45 County Property Appraiser from two words, Lake View Avenue, to one word, Lakeview
46 Avenue and using the East and West designations.

1
2 **Motion was made by Commissioner Brender to approve Resolution No. 986,**
3 **seconded by Commissioner Lucarelli and motion carried unanimously.**
4

5 F. Resolution No. 988 – Amending Fiscal Year 2016 Budget (Dianne
6 Holloway, Finance Director)
7

8 The City Attorney read Resolution No. 988 by title only.
9

10 Ms. Holloway said this is for the Fiscal Year 2016 budget which came to an end on
11 September 30th. We have 60 days to amend. We are going to amend the General
12 Fund for grants. We have \$14,085 for a JAG grant “What You See Is What You Get”
13 which are the body cameras; \$2,042 for the JAG grant “Stop the Incoming” which are
14 ballistic plates; and \$2,088 for the DOJ Bulletproof Vest Partnership that we have every
15 year.
16

17 Ms. Holloway said we have one fund called the Local Law Enforcement Trust Fund and
18 it has both state and federal monies. We are breaking those apart because it has been
19 a nightmare trying to keep them separate in the same fund. We are appropriating funds
20 in the amount of \$2,400 for donations we make to local places that were approved on
21 May 5th.
22

23 Ms. Holloway said in the Police Impact Fund we have funded purchases in the amount
24 of \$63,433 for the equipment for a new police officer that replaced the two School
25 Resource Officers that are there full time now. We funded the pedestrian crosswalk at
26 Deloitte in the amount of \$29,610; bought a new light trailer for \$8,365; and a backup
27 server in the amount of \$25,858 to handle all of our intensive data videos.
28

29 Ms. Holloway said in Fire Impact Fees we are making partial payment back to the
30 Vehicle Maintenance Fund for the purchase of the rescue (\$25,000). We borrowed
31 about \$104,000 from that fund last year and we are paying it back as impact fees
32 become available.
33

34 Ms. Holloway said we completed the Lake Mary Boulevard Sewer and Palmetto Turn
35 Lane Project. The Commission approved the interlocal agreement with Seminole
36 County for their portion of the turn lane so we are appropriating \$90,862 that we
37 received from them.
38

39 Ms. Holloway said in the Water & Sewer Fund, we got a fluoridation system upgrade
40 grant and was \$9,609.
41

42 Ms. Holloway said with the closeout of the Downtown ROW Upgrade Project we had to
43 reallocate based on what was actually done and not the project as it was done in the
44 beginning. We made some movements and had to appropriate an additional \$29,711 in
45 the Stormwater Fund.
46

1 Ms. Holloway asked the Commission to approve Resolution No. 988.

2
3 **Motion was made by Deputy Mayor Duryea to approve Resolution No. 988,**
4 **seconded by Commissioner Lucarelli and motion carried unanimously.**

5
6 10. Other Items for Commission Action

7
8 There were no items to discuss at this time.

9
10 11. City Manager's Report

11 A. Items for Approval – None

12 B. Items for Information – None

13 C. Announcements

14
15
16 Ms. Sova said we don't have any items coming forward for the November 17th meeting.
17 She said she would like to schedule a Growth and Development Strategic Workshop to
18 begin at 5:30 P.M. It will take us a few hours and would like to take advantage of that
19 time.

20
21 **It was the consensus of the Commission to cancel the November 17, 2016, City**
22 **Commission meeting and schedule a Growth and Development Strategic**
23 **Workshop for 5:30 P.M.**

24
25 Ms. Sova said we are proud to announce that we have our very own mobile app. You
26 can get it at your app store or Google play store. We can get out information a lot
27 faster. You get City functions, emergency alerts, up to date information, things about
28 our sports events, and those types of activities. She commended Alyssa Musacchio
29 who works with Bryan Nipe. She took the lead on that. We're excited to have it.

30
31 Ms. Sova said daylight savings time ends on Sunday, November 6th so that brings back
32 once-a-week irrigation.

33
34 Ms. Sova said all non-emergency offices will be closed November 11th in observance of
35 Veteran's Day and November 24th and 25th for the Thanksgiving holidays. Waste Pro
36 will collect garbage and recycling as regularly scheduled on all of those days.

37
38 12. Mayor and Commissioners' Reports – 2

39
40 Deputy Mayor Duryea had no report at this time.

41
42 Commissioner Lucarelli reminded everyone of the Lake Scary 5K race this Saturday at
43 Lake Mary Prep. She said 7:00 A.M. is registration and 8:00 A.M. is when the race
44 starts.

1 Commissioner Brender said he attended CALNO last night with the School Board
2 hosting and got a nice overview of the County's plans regarding the E-Pathways and
3 Virtual School Programs that the County is rolling out. The numbers are impressive.
4 Three years ago they had four classes and there are over 50 now. They are making
5 some interesting plans for next week. It will be Dede Schafner's last School Board
6 meeting. If anyone is interested in going, Jill Alvarez usually sends out the meeting
7 notice so she will have the time. He said Dede has been involved in schools for 40
8 years if not longer.

9

10 13. City Attorney

11

12 Ms. Reischmann had no report at this time.

13

14 14. Adjournment

15

16 There being no further business, the meeting adjourned at 8:25 P.M.

17

18

19

20

21

David J. Mealor, Mayor

Mary Campbell, Deputy City Clerk

22

23

24

25 ATTEST:

26

27

28

29

Carol A. Foster, City Clerk

30