



## **LAKE MARY CITY COMMISSION**

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

**Regular Meeting  
AGENDA**

**THURSDAY, JANUARY 07, 2016 7:00 PM**

- 1. Call to Order**
- 2. Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: December 17, 2015**
- 6. Special Presentations**
- 7. Citizen Participation - This is an opportunity for anyone to come forward and address the Commission on any matter relating to the City or of concern to our citizens. This also includes: 1) any item discussed at a previous work session; 2) any item not specifically listed on a previous agenda but discussed at a previous Commission meeting or 3) any item on tonight's agenda not labeled as a public hearing. Items requiring a public hearing are generally so noted on the agenda and public input will be taken when the item is considered.**
- 8. Unfinished Business**

**9. New Business**

- A. Request for a Conditional Use for a Private and Retail Recreational Facility, D-1 Fitness, in the M-1A, Office and Light Industrial, zoning district, 30 Skyline Drive; Nine Six Holdings, Mr. Josh Marinov, applicant (Public Hearing) (Steve Noto, City Planner)**
- B. Site Plan with Variances for two 4,500 sq. ft. buildings, 138 W. Crystal Lake Ave.; Shaw Construction and Management Services, applicant (Public Hearing) (Steve Noto, City Planner)**

**10. Other Items for Commission Action**

**11. City Manager's Report**

- A. Items for Approval**
  - a. FY 2016 Milling and Paving Program Change Order #2**
- B. Items for Information**
  - a. None**
- C. Announcements**

**12. Mayor and Commissioners Report**

**13. City Attorney's Report**

**14. Adjournment**

**THE ORDER OF ITEMS ON THIS AGENDA IS SUBJECT TO CHANGE**

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

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

**If a person decides to appeal any decision made by this Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim**

**record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Per State Statute 286.0105.**

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

**UPCOMING MEETINGS: January 21, 2016**

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held December 17,  
2 2015, 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 7:03 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  
19 Commissioner Jo Ann Lucarelli

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

20  
21  
22  
23  
24  
25  
26  
27 5. Approval of Minutes: December 3, 2015

28  
29 **Motion was made by Commissioner Lucarelli to approve the minutes of the**  
30 **December 3, 2015, meeting, seconded by Commissioner Brender and motion**  
31 **carried unanimously.**

32  
33 6. Special Presentations

34  
35 There were no special presentations at this time.

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

44  
45 No one came forward at this time and citizen participation was closed.

1 8. Unfinished Business

- 2  
3 A. Ordinance No. 1535 – Amending Chapter 53 of the City’s Code of Ordinances  
4 to establish customer user rates and charges for wastewater services  
5 provided by the City of Sanford to users located within the incorporated area  
6 of the City of Lake Mary – Second Reading (Public Hearing) (Dianne  
7 Holloway, Finance Director)

8  
9 The City Attorney read Ordinance No. 1535 by title only on second reading.

10  
11 Ms. Holloway stated staff had no further comments.

12  
13 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1535. No  
14 one came forward and the public hearing was closed.

15  
16 **Motion was made by Commissioner Brender to approve Ordinance No. 1535 on**  
17 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**  
18 **call vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes;**  
19 **Commissioner Miller, Yes; Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

20  
21 9. New Business

- 22  
23 A. Final Plat for the 16-lot Crystal Reserve Subdivision; Pulte Homes  
24 Corporation, applicant (Public Hearing) (Steve Noto, City Planner)  
25 (Postponed 11/19/15, 12/3/15)

26  
27 Mr. Noto said this is the last step for the public hearings for the Crystal Reserve project.  
28 He showed a copy of Page 2 of the final plat on the overhead for this 16-lot subdivision  
29 off of Crystal Drive. The site is currently under construction. There is a five-foot wall  
30 easement that runs along the western side of the project boundary from Lot 16 to Lot 8  
31 for the precast wall that’s going to be installed along that property boundary. There will  
32 be fencing installed adjacent to the stormwater pond.

33  
34 Mayor Meador said until development of this particular parcel, vegetation was so thick no  
35 one on Crystal Drive knew there was a fence back in there and now you can see it, but  
36 the subdivision is going to be such that there will be a wall.

37  
38 Mr. Noto said that was correct.

39  
40 Mr. Noto said this item was heard by the Planning & Zoning Board at their regular  
41 October 27, 2015, meeting and unanimously recommended approval 5-0.

42  
43 Mr. Noto said staff finds that the final plat complies with the Code of Ordinances,  
44 Comprehensive Plan, and Chapter 177 of the Florida Statutes with one condition that  
45 the applicant reimburses the City for costs of consultant review, legal review, and the

1 cost of recording. Two of those items have already been paid. He noted the applicant's  
2 rep was present.  
3  
4 Deputy Mayor Duryea asked if Gehr Lane goes all the way through going east.  
5  
6 Mayor Mealor said Gehr Lane will dead end at the gated entry.  
7  
8 Mr. Noto asked Deputy Mayor Duryea if he was talking about if it goes east towards  
9 Downtown. He highlighted Gehr Lane with the neon green on the overhead and it does  
10 move to the east just one block and then you go south to Lakeview.  
11  
12 Deputy Mayor Duryea said it doesn't go through all the way to Crystal Drive.  
13  
14 Mr. Noto said that is correct. It will stop and there will be a gate into the development.  
15  
16 Deputy Mayor Duryea said the front section on Lake Mary Boulevard was originally part  
17 of that plat.  
18  
19 Mr. Noto said it is part of the PUD but it's a separate office parcel.  
20  
21 Commissioner Brender asked what that is and how big of a piece is it.  
22  
23 Mr. Noto said that will be a separate project and it is a couple of acres. We have not  
24 received any applications for anything there.  
25  
26 Commissioner Brender said regardless of what goes in there it will require a wall.  
27  
28 Mr. Noto said more than likely. It is adjacent to residential so there are buffering  
29 requirements.  
30  
31 Commissioner Miller said Deputy Mayor Duryea's question about Gehr Lane gave him a  
32 question also. He asked if Gehr Lane crossed Crystal or does it dead end before it gets  
33 to Crystal.  
34  
35 Deputy Mayor Duryea said it was his understanding that you couldn't go down Crystal  
36 and go across as a cut through.  
37  
38 Mr. Noto said it goes to Crystal Drive but there is a little curve that takes you onto  
39 Crystal.  
40  
41 Mayor Mealor said Lakeview is closed from Wilson to Crystal.  
42  
43 Mr. Noto answered affirmatively.  
44

1 Mayor Mealor asked if anyone wanted to speak in reference to this final plat for Crystal  
2 Reserve subdivision. No one came forward at this time and the public hearing was  
3 closed.

4  
5 **Motion was made by Commissioner Lucarelli to approve the Final Plat for Crystal**  
6 **Reserve subdivision with the condition that the applicant reimburses the City for**  
7 **costs of consultant review, legal review, and the cost of recording. Seconded by**  
8 **Commissioner Miller and motion carried by roll-call vote: Deputy Mayor Duryea,**  
9 **Yes; Commissioner Miller, Yes; Commissioner Lucarelli, Yes; Commissioner**  
10 **Brender, Yes; Mayor Mealor, Yes.**

11  
12 Mayor Mealor said he appreciated the work Mr. Noto and staff has done. We have  
13 members of the Forest community with us and knew this had been a concern to them.  
14 He thanked them for their patience. He thought the earlier concerns had been  
15 addressed.

16  
17 B. Resolution No. 977 – Adopting the 2015-2020 Seminole County Floodplain  
18 Management Plan (Bruce Paster, Public Works Director)

19  
20 The City Attorney read Resolution No. 977 by title only.

21  
22 Mr. Paster said the Seminole County Floodplain Management Plan memorializes  
23 everything the City, the County and all the other cities in Seminole County are already  
24 doing. It is an update to put into one document. The City of Lake Mary had a couple of  
25 goals we have implemented. He said he wanted us to develop policies and regulations  
26 to support effective floodplain management. As part of that we participated fully in the  
27 National Flood Insurance Program and the associated community rating system. We  
28 provided updates to the community rating system every year and we try to better our  
29 rating. This year we did better our rating. It went from an 8 to a 7. That means if you  
30 have to purchase flood insurance, whether you are a resident or commercial property  
31 owner, it used to be a 10% discount but now with a better rating you get a 15%  
32 discount. The other goal was to work in conjunction with the County and other local  
33 governments to create and support floodplain management throughout the County. The  
34 document memorializes that effort.

35  
36 **Motion was made by Commissioner Brender to approve Resolution No. 977,**  
37 **seconded by Commissioner Lucarelli and motion carried unanimously.**

38  
39 10. Other Items for Commission Action

40  
41 There were no other items to discuss at this time.

42  
43 11. City Manager's Report

44  
45 A. Items for Approval

46 a. Request approval to attend FBI Academy – Lt. Mike Biles

1  
2 Ms. Sova said we are pleased to announce that Lt. Biles has been offered an  
3 exceptional opportunity to join the FBI Academy. The Police Chief is a graduate of that  
4 program and asked him to tell us about this program and how exciting this is for us to  
5 have a second opportunity.  
6

7 Chief Bracknell said this is an exceptional opportunity for us to participate in this  
8 training. Less than 1% of all police officers worldwide ever get the opportunity to go to  
9 the FBI National Academy. In this session there is no one in Seminole going. He  
10 believed there may be one officer from the Orlando Police Department which is over  
11 500 officers.  
12

13 Chief Bracknell said the training is about ten weeks long. It is totally paid for by the FBI.  
14 They pay for room, board, they reimburse for mileage, and for stay on the trip up. The  
15 purpose of the training is to develop future leaders and also the boots on the ground.  
16 The FBI is only as strong as the local law enforcement agencies and they count on us to  
17 understand how they do things and it is a give and take. He said he had the opportunity  
18 in 2011 and it was the highlight of his professional career. He said Mike applied about  
19 five years ago to attend the training. By the FBI rules he is required to do an additional  
20 three years in law enforcement if he goes to that training. He requested that the  
21 Commission allow the City Manager to allow Mike to attend this training.  
22

23 Lt. Mike Biles came forward. He said as we roll into 2016 he will be starting his 22<sup>nd</sup>  
24 year in law enforcement and most of that has been with the City of Lake Mary. This has  
25 been an exciting year for him. Five years just waiting on the list to get a phone call is  
26 one of those things you think they have forgotten and it will never happen. In March the  
27 Chief was called and called him immediately to confirm he was still interested in going.  
28 The next phone call was to the City Manager that was met with complete support. This  
29 opportunity speaks to what the City does which is put the right people in the right  
30 positions and give them the training, experience, and support they need to do the job.  
31 He appreciated the opportunity and would be grateful to go.  
32

33 Deputy Mayor Duryea thought that was the best thing since sliced bread. He extended  
34 congratulations.  
35

36 Commissioner Lucarelli extended congratulations. She is proud to support Lt. Biles in  
37 that effort. It is great that we will have two of our own going and have that experience.  
38 It is going to benefit the City and the community as a whole.  
39

40 Commissioner Miller said he had the opportunity to attend the FBI Citizens Academy a  
41 few years ago and it's quite an organization. He thought Lt. Biles will be impressed with  
42 Quantico and will probably get time in Washington with the deputy directors as well. He  
43 extended congratulations and thought it was well deserved.  
44

45 Ms. Sova said she needed approval for this since it is quite a bit out of our standard  
46 personnel policy.

1  
2 **Motion was made by Commissioner Brender to grant Lt. Mike Biles leave of**  
3 **absence to attend the FBI Academy, seconded by Commissioner Miller and**  
4 **motion carried unanimously.**  
5

6 Mayor Meador said this is a compliment to Lt. Biles and to the entire team that Chief  
7 Bracknell has put together. His neighbor, the former Chief of Police of Casselberry, was  
8 also a FBI Academy graduate. When he returned he was a different person. He  
9 thought this was an investment.

10  
11 Ms. Sova asked the Commission to schedule a workshop for January 7, 2016, to  
12 discuss the recently adopted Seminole County Bear Management Plan. There are  
13 several items included in the plan that affect the residents of the City of Lake Mary and  
14 the businesses in the City as well. At this point staff hasn't had time to do a full analysis  
15 of the implications but we do have some information to share so the Commission is  
16 aware because it does affect all the cities up and down the I-4 Corridor. Some of the  
17 other commissioners have either heard or are about to hear this same information.

18  
19 Ms. Sova said we got an original draft ordinance from the County and it included a  
20 buffer on the east side of I-4. It is bear management divided specifically by I-4 with a  
21 buffer on the east side of I-4. The program continued to move along at the County. Mr.  
22 Tomerlin showed the ordinance and a map of bear sitings on the overhead. Ms. Sova  
23 said they would get all of this to the Commission electronically. You can tell there is a  
24 very distinct line along I-4. When the County adopted a final plan, which was different  
25 than their preliminary plan, they included several areas on the east side of I-4 that are  
26 inside the City including the Huntington subdivision and several of our commercial areas  
27 on the east side of I-4. This creates conflicts with our own ordinances such as the times  
28 the carts can be out to the curb, and blocking mechanisms where you are supposed to  
29 store your cart. For commercial customers a closer analysis is needed because the  
30 way this is drawn the Tilted Kilt would need a lockable dumpster whereas across the  
31 street Arby's wouldn't be included in that. There is the issue of who is going to pay the  
32 rate differential for the cost of replacing the dumpster lid and the locks. The County  
33 ordinance states that the customer is going to bear that.

34  
35 Ms. Sova said a bigger concern is the County has said they believe once they cut off  
36 the food supply on the west side of I-4 the bears are going to start migrating east and  
37 they don't seem to have a plan to mitigate that. She said it concerned her that they  
38 believe the bears are going to go east and they're okay with that. It is an extensive  
39 conversation and staff needs more time with this material. She just provided enough  
40 information tonight so the Commission can begin to be aware as we go through the  
41 holidays. The County is on a fast track with this and want to implement February 1<sup>st</sup>.

42  
43 Commissioner Brender asked if we would have somebody from County staff here.  
44

1 Ms. Sova said we can have County staff here. The City Attorney has already begun  
2 research on this. We have the ability to opt out. We have options. The County is also  
3 open to making some changes to what they adopted.

4  
5 Commissioner Lucarelli said she would like to see the bear siting map. She thought this  
6 was ridiculous.

7  
8 Mayor Meador said this is a serious public policy decision that is probably well  
9 intentioned but felt it is not well thought out. We have a body called the Mayors and  
10 Managers group where the County Commission Chair and the County Manager sit on  
11 that. At no time has this been discussed or brought to our attention. What he found  
12 disconcerting is the fact that there is a serious financial pass through to our residents  
13 and our businesses associated with this and we have had no input. Two Fridays ago  
14 when we had the Governor in town we were talking about the incredible collaboration  
15 and communication between the County and the City in terms of our economic  
16 development efforts. It is one of the absolute bests and the Governor singled that out.  
17 This is an example of a breakdown. It's disconcerting for the simple reason that this has  
18 an economic development impact to both current and future business locations and  
19 sitings. He thought it would have been fairer if we all sat down and talked about this in  
20 advance.

21  
22 Mayor Meador said he didn't believe the County has done a second reading. He thought  
23 the Commission should direct the City Manager to notify the County Manager of our  
24 concern and ask that no second reading take place until there has been additional input.  
25 He said he was responding differently than he normally would but when you start to see  
26 the implications for this, he didn't think it was helpful. He asked the City Manager if she  
27 was comfortable or would she prefer he do that or both of them sign it. We need to  
28 notify County staff that there is concern.

29  
30 Ms. Sova said they have already volunteered to come to a work session.

31  
32 Commissioner Miller asked if the expense was for the management of waste.

33  
34 Ms. Sova said you will have to see what they say is going to have to happen. All  
35 commercial properties are required to place refuse within a bear resistant commercial  
36 refuse container. We have had calls from commercial establishments saying they  
37 already have this behind a locked gate. They are planning on putting new lids on the  
38 containers and a new locking mechanism. All of that is not going to come free. Even if  
39 we don't have a rate change now it will be built in the next time they ask for a rate  
40 increase. This will be one of the things we talk about.

41  
42 Mayor Meador said he thought it was a larger issue. We talk about the frustration we  
43 have with the pass throughs from Tallahassee or home rule issues and this is a perfect  
44 example at the local level to where we could probably do better.

1 Ms. Sova announced that all non-emergency offices will be closed on December 24<sup>th</sup>,  
2 25<sup>th</sup>, 31<sup>st</sup> and January 1<sup>st</sup>. There will be no garbage or recycling on Christmas Day.  
3 Waste Pro will pick up on Saturday, December 26<sup>th</sup>, for those customers with Friday  
4 collection. There will be no change in collection on New Year's Day. Garbage will be  
5 on the normal schedule for New Year's Day.  
6

7 Ms. Sova said all of our sworn law enforcement officers have been through Color of Law  
8 training conducted by the FBI. This training teaches the officers how to respect the  
9 constitutional rights of the public. We are the first agency in the County to go through  
10 this training.

11  
12 Ms. Sova said we are working with the Florida Yards and Neighborhoods Coordinator to  
13 hold a workshop in February and invite the property owners on our lakes to discuss  
14 aquatic weed control and their options.  
15

16 Ms. Sova said Jill Alvarez, our Purchasing Coordinator, lost her husband of over 30  
17 years suddenly on Tuesday afternoon. We don't have the arrangements to announce at  
18 this time but we will be holding a fundraising breakfast tomorrow morning at the Craig  
19 Haun Training Room at Wallace Court. We will have breakfast from 7:00 A.M. to 10:00  
20 A.M. Please keep Jill in your thoughts and prayers. Jill is an 18-year employee.  
21

## 22 12. Mayor and Commissioners' Reports

23  
24 Mayor Mealor said the first item on his report will be the annual  
25 appointments/reappointments to advisory boards. On the Firefighters Pension Board  
26 Martin Bel and Karen Gudinas would like to continue serve.  
27

28 **Motion was made by Commissioner Lucarelli to reappoint Martin Bel and Karen**  
29 **Gudinas to the Firefighters Pension Board, seconded by Commissioner Brender**  
30 **and motion carried unanimously.**  
31

32 Mayor Mealor said on the Historical Commission, both Cora Rice and DeLores Lash  
33 would like to continue. The Historical Commission did a beautiful open house on the 6<sup>th</sup>  
34 of December. He appreciated their hard work and their gracious invitation.  
35

36 **Motion was made by Commissioner Miller to reappoint Cora Rice and DeLores**  
37 **Lash to the Historical Commission, seconded by Commissioner Brender and**  
38 **motion carried unanimously.**  
39

40 Mayor Mealor said on the Planning & Zoning Board, Colleen Taylor and Scott Threlkeld  
41 wish to continue.  
42

43 **Motion was made by Commissioner Miller to reappoint Colleen Taylor and Scott**  
44 **Threlkeld to the Planning and Zoning Board, seconded by Commissioner**  
45 **Lucarelli and motion carried unanimously.**  
46

1 Mayor Meador said on the Parks & Recreation Advisory Board, Robert Boardman and  
2 Danny Williamson would like to continue to serve; however, Robert Sebald and Michael  
3 Gaudio are no longer able to serve so we have two vacancies. We have a board  
4 appointment form from a Mr. Christopher Mullins. He asked the pleasure of the Board  
5 in relation to the Parks & Recreation Advisory Board.  
6

7 **Motion was made by Commissioner Lucarelli to reappoint Robert Boardman and**  
8 **Dan Williamson and appoint Christopher Mullins to the Parks & Recreation**  
9 **Advisory Board, seconded by Commissioner Brender.**

10  
11 Commissioner Miller and he and Bob Sebald had a conversation at the art festival and  
12 he told me he would not continue and his reason for not continuing is they never had a  
13 quorum. They met and nobody showed up. He said he was stepping down in part  
14 because he thought it should be a smaller advisory board. He said he was sorry he  
15 hadn't spoken to the man in charge of that before this meeting.  
16

17 Mayor Meador said if it would be acceptable to the motion maker and seconder, why  
18 don't we say at this time that the appointment for Mr. Christopher Mullins will be for the  
19 appointment currently held by Michael Gaudio. If we want to follow up with Mr. Sebald  
20 we could do that at a later time.  
21

22 **Amended motion was made by Commissioner Lucarelli to reappoint Robert**  
23 **Boardman and Dan Williamson to the Parks & Recreation Advisory Board, and**  
24 **appoint Christopher Mullins to replace Michael Gaudio, seconded by**  
25 **Commissioner Brender and motion carried unanimously.**  
26

27 Mayor Meador said Florida Power & Light did an excellent presentation on affordable  
28 and clean energy. It is work Florida Power & Light is currently doing statewide as well  
29 as locally. Almost the majority of our residents receive their service through Florida  
30 Power & Light. He asked the City Clerk to pass those materials to you and if there are  
31 any questions, feel free to contact the regional manager. He will be happy to meet with  
32 you individually. One of the things he found illuminating is we have a statewide ballot  
33 initiative with two competing groups for solar. If you look at the intent of that it could be  
34 quite good but the costs associated with that may be passed on to the individual  
35 taxpayer. He thought there might be a better alternative and thought what Florida  
36 Power & Light and others are doing might meet that need.  
37

38 Commissioner Lucarelli had no report at this time. She wished everyone a Merry  
39 Christmas and have a wonderful holiday with your families.  
40

41 Commissioner Brender said he attended the museum open house. Compliments to the  
42 Historical Commission. They put together a nice program and it was well attended.  
43

44 Commissioner Brender extended best wishes to everybody, especially fire and police.  
45 They do so much for us over the holidays. He thanked them for being out there so we  
46 can share with our families even though they can't share with theirs. It is appreciated.

1  
2 Mayor Mealor said the Christmas parade for the two Saturdays in December, what Mr.  
3 and Mrs. Dave Dovan do is exceptional. For the families of our public safety officials to  
4 come with them is delightful. He had a number of new residents say thank you for  
5 doing that. It is something that is appreciated.  
6

7 Deputy Mayor Duryea thanked the Parks & Rec people—Kathy Gehr and her whole  
8 crew. Every year it is astounding and there is no place like it. He has been all over  
9 Central Florida and some people have lights but we have “LIGHTS”.

10  
11 Deputy Mayor Duryea congratulated Lt. Biles and wished everyone a Merry Christmas.

12  
13 Commissioner Miller echoed everything that has been said. He thanked everyone for  
14 their service.  
15

16 Mayor Mealor said this is a time of giving and wanted to give thanks to this Commission  
17 and staff. It is a delight to work with you. One of his colleagues from other groups talk  
18 about what we have, it is a time to stop and pause and give thanks. He said he was  
19 truly appreciative that he has the pleasure to serve and work with this Commission.  
20

21 12. City Attorney  
22

23 Ms. Reischmann said she was sure you haven't been following closely the bill that is  
24 going through the legislature about changing city election dates. It does appear now  
25 that it doesn't apply to anything except for municipal office. Charter amendments and  
26 referendums can be at other times.  
27

28 Ms. Reischmann wished everyone a Merry Chrismahannakwanzaranna. She said it  
29 was a pleasure working with everyone.  
30

31 14. Adjournment  
32

33 There being no further business, the meeting adjourned at 7:40 P.M.  
34  
35  
36

37  
38 \_\_\_\_\_  
39 David J. Mealor, Mayor  
40

37  
38 \_\_\_\_\_  
39 Mary Campbell, Deputy City Clerk  
40

41 ATTEST:  
42  
43  
44

45 \_\_\_\_\_  
46 Carol A. Foster, City Clerk



## MEMORANDUM

DATE: January 7, 2016

TO: Mayor and City Commission

FROM: Stephen J. Noto, AICP  
City Planner

THRU: John Omana, Community Development Director

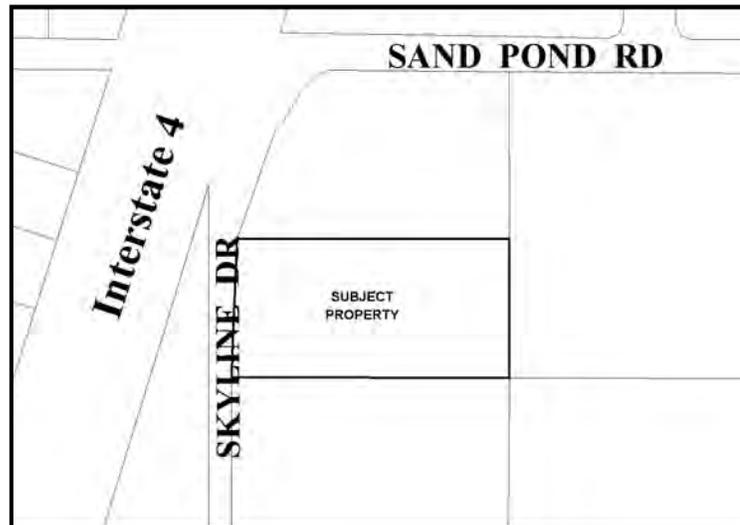
VIA: Jackie Sova, City Manager

SUBJECT: Request for a Conditional Use for a Private and Retail Recreational Facility, D-1 Fitness, in the M-1A, Office and Light Industrial, zoning district, 30 Skyline Drive; Nine Six Holdings, Mr. Josh Marinov, applicant (Public Hearing) (Steve Noto, City Planner)

**APPLICANT:** Nine Six Holdings, Mr. Josh Marinov.

**REFERENCE:** City Code of Ordinances and Comprehensive Plan.

**REQUESTS:** The applicant requests conditional use approval to use an existing structure for a private and retail recreation facility, D-1 Fitness. D-1 is currently located at 940 Williston Park Point. As part of the proposed move to 30 Skyline Dr., D-1 will be purchasing the property.



## DISCUSSION:

**Background:** The original site plan for the +/- 3.70 acre subject property was approved by the City Commission on July 13, 1989. The approval was for a +/- 42,000 sq. ft. office/warehouse building. Of the 42,000 sq. ft., 24,000 sq. ft. was office, and 18,000 sq. ft. was warehouse.

The City's parking requirements differ for office space and warehouse space. As such, the site was required to have 98 parking spaces. The original developer provided 138 spaces.

**Description:** The applicant is proposing to operate a fitness center within the existing building on the subject property. There is approximately 22,000 sq. ft. of office space existing within the building, which will stay as office space. The remaining 17,000 sq. ft. warehouse space will be converted to the D-1 training facility. There will be 8-12 full time employees. The average class size is also 8-12 people. The proposed operating hours are 6:00am to 9:00pm, Monday thru Friday, and 9:00am to 5:00pm on Saturday's. There are also 5:00am classes held on Monday's and Wednesday's.

### Zoning

NW I-4	N M-1A	NE M-1A
W I-4	SITE M-1A	E M-1A
SW I-4	S M-1A	SE M-1A

### Future Land Use

NW I-4	N IND	NE IND
W I-4	SITE IND	E IND
SW I-4	S PUB/SEMI -PUB	SE PUB/SEM I-PUB

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

**PROVISION No. 1:**

Compliance with all applicable elements of the comprehensive plan.

**FINDINGS OF FACT No. 1:**

Provision met?	
1. YES	The proposed private and retail recreational facility is allowed in the M-1A zoning district. The City's Comprehensive Plan shows that the M-1A is compatible with the IND (Industrial) land use designation. In light of this, the proposed private and retail recreational facility is compatible with the Comprehensive Plan. While the property is located within the High-Tech Corridor, the Comprehensive Plan allows the City Commission to approve other uses that they find appropriate within the Corridor.

**PROVISION No. 2:**

Acceptable ingress and egress, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

**FINDINGS OF FACT No. 2:**

Provision met?	
1. YES	The proposed private and retail recreational facility has acceptable ingress and egress, adequate pedestrian access, convenient traffic flow and is accessible in case of fire and catastrophe. The location has an approved site plan with full accessibility.

**PROVISION No. 3:**

Acceptable economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.

**FINDINGS OF FACT No. 3:**

Provision met?	The use of the space as a private and retail recreational facility will not present any economic, noise, glare or odor effects to adjoining properties or other properties. The proposed hours of operation are consistent with the standard workday; and the class sizes are small enough to not cause traffic problems. The office space that will be left within the building will be utilized by D-1.
1. YES	

**PROVISION No. 4:**

Acceptable location, availability, and compatibility of utilities.

**FINDINGS OF FACT No. 4:**

Provision met?	The site was constructed with all required utilities. The site continues to have adequate utility service.
1. YES	

**PROVISION No. 5:**

Acceptable screening and buffering.

**FINDINGS OF FACT No. 5:**

Provision met?	The private and retail recreational facility will be located in a pre-existing building which has acceptable screening and buffering per an approved site plan.
1. YES	

**PROVISION No. 6:**

General compatibility with adjacent properties and other properties in the district.

**FINDINGS OF FACT No. 6:**

Provision met?	The private and retail recreational facility would be functioning in an existing office building. The site and surrounding properties are part of the M-1A zoning and IND future land use designations. Therefore, there is compatibility with adjacent and other properties in the district.
1. YES	

**FINDINGS OF FACT No. 7:**

Staff finds that the request to operate a private and retail recreational facility at 30 Skyline Dr. in the M-1A zoning district does not adversely affect the public interest, and is a reasonable request based on the aforementioned findings of fact.

**SIMILAR CONDITIONAL USE REQUESTS:**

**2012-CU-05:** On July 19, 2012, the City Commission unanimously approved, 5-0, a private and retail recreational facility (D1 Sports Training) in the M-1A, Office and Light Industrial, zoning district, located at 940 Williston Park Point.

**2011-CU-05:** On October 20, 2011, the City Commission unanimously approved, 4-0, a private and retail recreational facility (South Pac Training Facility) within Office and Light Industrial (M-1A) Zoning District at 103 Commerce Street, Suites 130 & 140.

**2010-CU-04:** On November 18, 2010, the City Commission unanimously approved, 5-0, a personal training facility (CrossFit Lake Mary) within the M-1A zoning district 111 Commerce St., Suite B.

**PLANNING AND ZONING BOARD:** At their regular December 8, 2015, meeting the Planning and Zoning Board voted unanimously, 5-0, to recommend approval of proposed Conditional Use, per the stated findings of fact.

**ADDITIONAL INFORMATION:**

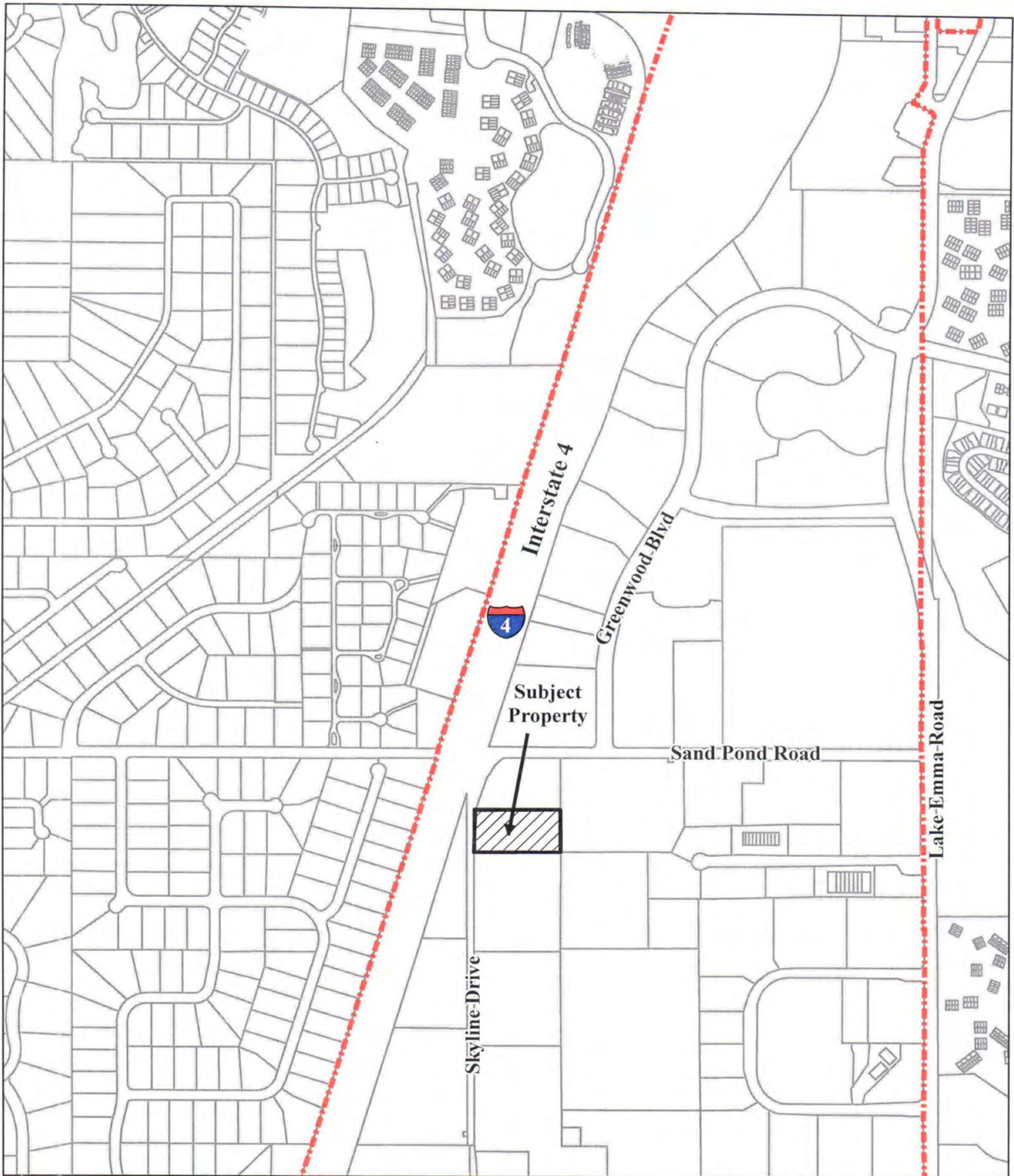
§ 154.72(B) In approving any conditional use, the Planning and Zoning Board may also require appropriate conditions and safeguards as part of the terms under which the conditional use permit is granted. Violations of those conditions and safeguards shall be deemed a violation of this section.

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

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

## **ATTACHMENTS**

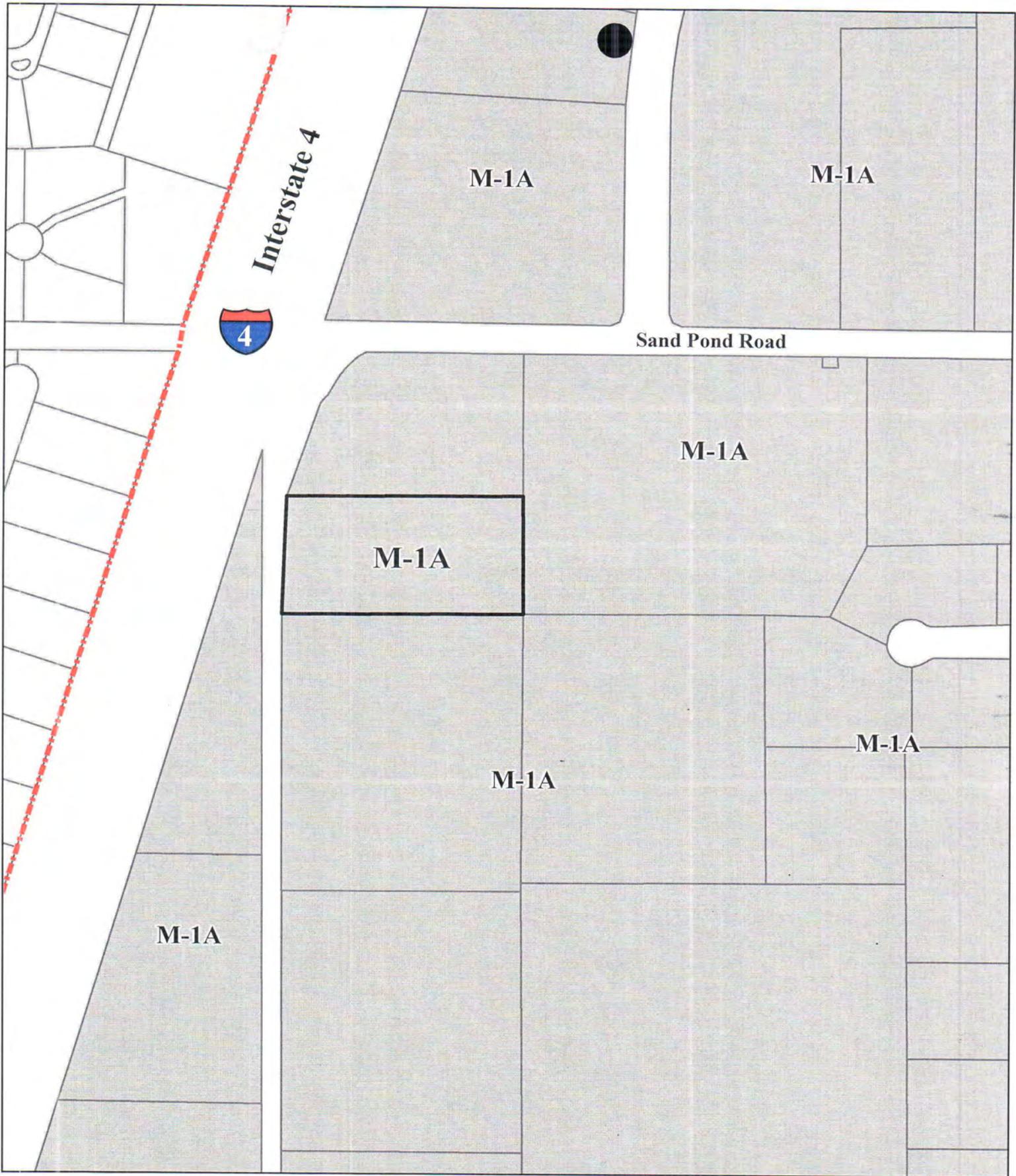
- Location map
- Zoning Map
- Future Land Use Map
- Aerial of Property
- 8.5 x 11 of 30 Skyline Drive site plan
- Applicant's Request Letter
- December 8, 2015 Planning & Zoning Board Minutes



**Location Map**

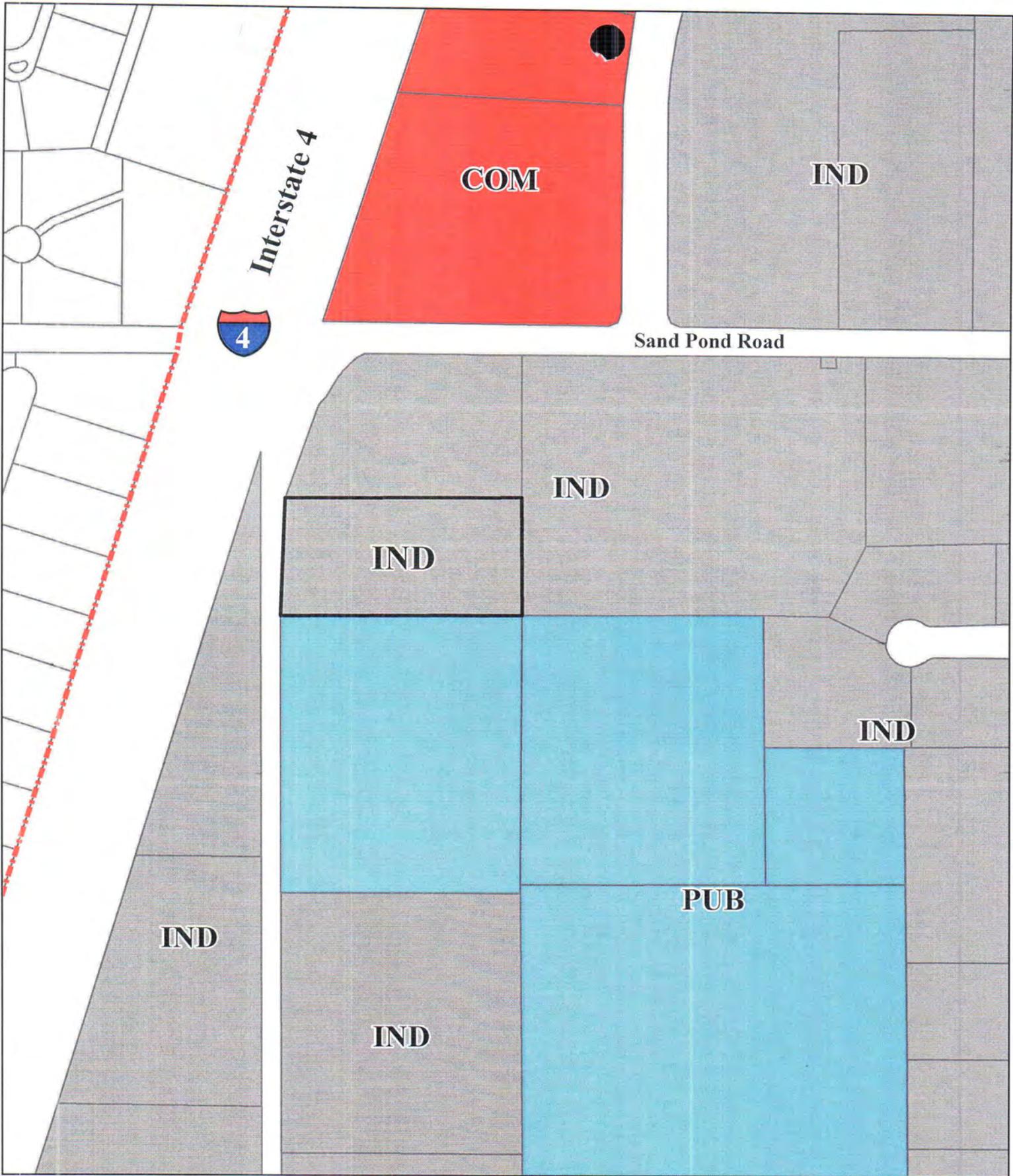
D-1 Conditional Use  
30 Skyline Drive





**Zoning Map**  
D-1 Conditional Use



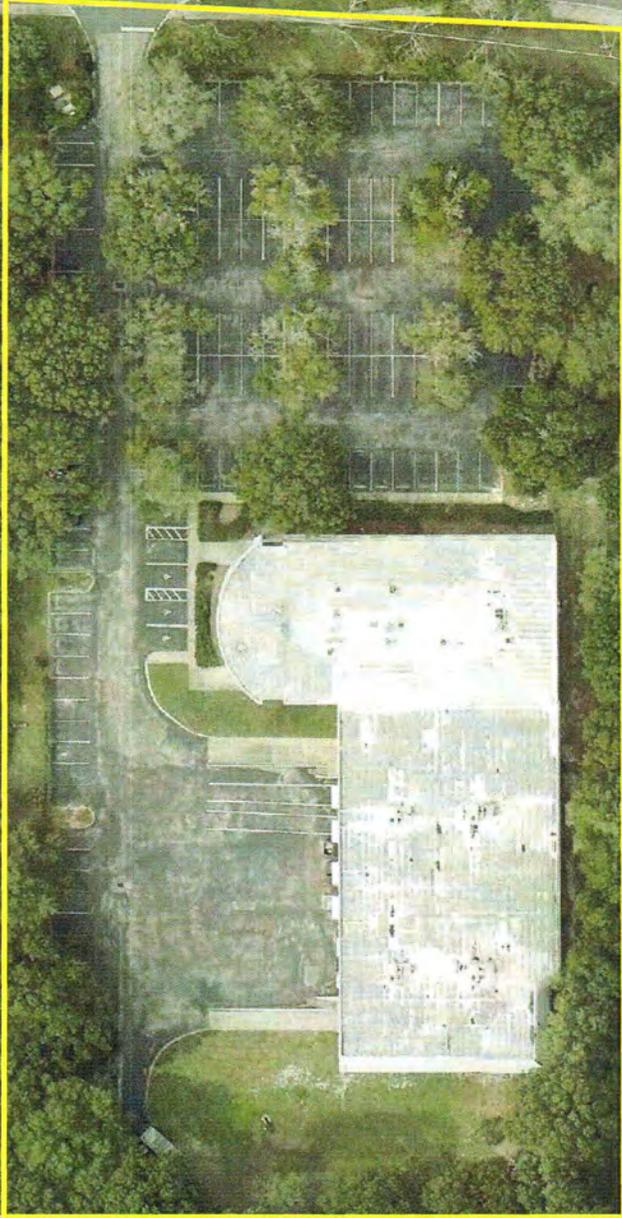


**Future Land Use Map**

D-1 Conditional Use



Skyline Drive





## Proposed Conditional Use of 30 Skyline Drive

### D1 Sports Training

30 Skyline Drive consists of a 40,128 sf Concrete and Steel office/warehouse building built in 1990. There is approximately 22,000 sf of existing office space that will remain office. There is an existing 17,000 sf warehouse space that is proposed to be converted to D1's training facility. New restrooms will be added as required by code. There are 136 existing parking spaces.

The proposed D1 facility at 30 Skyline Dr. will offer the same programs as the current D1 facility in Williston Park. There will be 8-12 full time employees. Operating hours are generally 6:00 am to 9:00 pm Monday through Friday and 9:00 am to 5:00 pm on Saturdays. There are 5:00 am classes held on Mondays and Wednesdays.

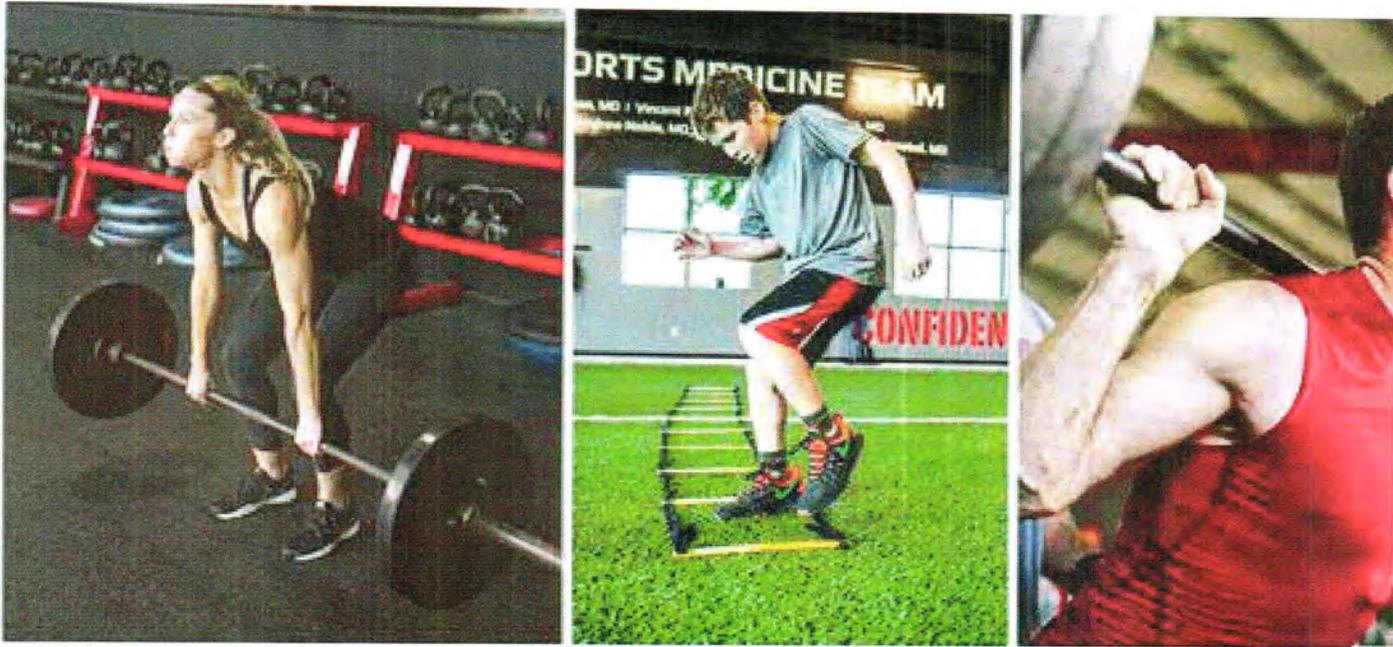
More about D1:

*D1 is the **The Place for The Athlete**. We have taken the experience of training at a top Division I athletic program and brought it to you. In every D1, members will find TEAM-based accountability, motivation and competition, expert coaching and instruction, state-of-the-art equipment and facilities, top medical partnerships with in-house physical therapy, progressive training programs, and pro athlete support.*

*Our athletic-based workouts guarantee results. These workouts are engineered to get the most out of you both physically and physiologically. The end results are:*

- *Performance – Athletes train for a specific purpose, to perform at their peak! When you set performance goals and train with a plan to achieve them, the results will follow.*
- *Aesthetic – High-intensity metabolic workouts increase hormone function, which make it easier to achieve the lean and healthy appearance you desire.*
- *Confidence – Athletic-Based Training is not just about a calorie burn. Training like an athlete will get you moving better, feeling better, and looking great which ultimately gives you that extra boost of confidence.*
- *Longevity – Athletic-based workouts take that concept to the next level, and will allow you to age more gracefully and keep you feeling younger longer.*

- *Accountability – Team-based training, with common goals, heighten ones accountability to the group. many athletes find much more success when they are part of a team training for a common purpose. Iron sharpens iron!*



*How do we accomplish this? D1 has developed a foundation for each of our Athletic-Based Training sessions. Every D1 session includes:*

- *Dynamic Warm-Up/Core Activation*
- *Speed, Agility & Conditioning*
- *Strength Training*
- *Core Strength/Flexibility*

*At D1 we spend a significant amount of time training multiple athletic movements. Our state-of-the-art facilities, all of which include professional-grade turf athletic fields, allow us to incorporate high-metabolic workouts to assist in endurance, functional flexibility, strength, speed, and power development. This unique approach has allowed us to achieve rapid results for countless D1 members and pro athletes.*

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

10 VIII. Old Business  
11

12 There was no old business at this time.  
13

14 IX. New Business  
15

- 16 A. 2015-CU-02: Recommendation to the City Commission regarding a request  
17 for a Conditional Use for a Private and Retail Recreational Facility, D-1  
18 Fitness, in the M-1A, Office and Light Industrial, zoning district located at 30  
19 Skyline Drive; Applicant: Nine Six Holdings, Mr. Josh Marinov (Public  
20 Hearing)  
21

22 Mr. Omana said this is a quasi-judicial matter and in the back of the room is the quasi-  
23 judicial sign-in sheet for any member of the public who wishes to sign in and be kept  
24 abreast of this matter.  
25

26 Mr. Noto showed an aerial of the property. It is 30 Skyline Drive. In 2012, there was a  
27 conditional use for D-1 Fitness to be located at 940 Williston Park Point. That is where  
28 they currently operate their business. They are renting that facility and do not own it.  
29 They are looking to purchase this piece of property and move their operation to this  
30 location.  
31

32 Mr. Noto said the zoning and land use is the same as it is at their current facility, M-1A  
33 Office and Light Industrial with the Industrial land use. The process we are going  
34 through now is the same exact process we went through with them a few years ago.  
35 This site is much better suited. There is a large area for parking. In the event they are  
36 going to own the whole thing, a large amount of the building will be used just by D-1  
37 with a mix of office space with their state-of-the-art workout facilities on the interior of  
38 the building.  
39

40 Mr. Noto said the site plan was approved in 1989 for office and warehouse. It is still  
41 used that way today. The applicant is looking to use 22,000 square feet of it as office  
42 and 17,000 for the training facility. There will be eight to 12 full-time employees. They  
43 have a number of classes they offer throughout the day and the average class size is  
44 eight to 12 people. The hours of operation are 6:00 A.M. to 9:00 P.M. with classes 9:00  
45 A.M. to 5:00 P.M. Monday through Friday, as well as on Saturdays, and early classes at  
46 5:00 A.M. on Sundays and Wednesdays.

1  
2 Justin York arrived at this time (6:06 P.M.).  
3

4 Mr. Noto said with the conditional use we have seven findings of fact we review having  
5 to do with compatibility with the comp plan, ingress/egress, parking, buffers and things  
6 of that nature. That is outlined on Pages 2 through 4 of the staff report. This one is  
7 straight forward and easy. It is a large building and a large amount of parking. The  
8 most important thing for a conditional use is how the parking will function. For a facility  
9 like this we use the parking code to determine how many spaces are required for office  
10 use, the training, and any other uses that might be in there. The site has 138 parking  
11 spaces. Per the code, D-1 is only required to have 94 based on the mix of uses so they  
12 exceed the number of parking spaces required. Skyline Drive abuts the property. It is  
13 an existing site made for an intense use of office and warehouse so there is sufficient  
14 ingress/egress. The existing buffering meets code and is sufficient. They have met all  
15 the required findings of fact required by code.  
16

17 Mr. Noto said on Page 4 we provided a list of previous uses that are similar, one being  
18 D-1 in 2012. In 2011 and 2010, there were two other types of private recreational  
19 facilities that were approved by the Commission both in the M-1A zoning district and  
20 both located on Commerce Street.  
21

22 Mr. Noto said staff finds the request to operate a private and retail recreation facility at  
23 30 Skyline Drive in the M-1A zoning district does not adversely affect the public interest  
24 and is a reasonable request based on the aforementioned findings of fact. We are  
25 recommending approval. This item will go to the City Commission. He noted the  
26 applicant was present.  
27

28 Josh Marinov of Vista Constructors, 555 West Winter Park Street, Orlando, Florida  
29 32804, came forward on behalf of the applicant.  
30

31 Chairman Hawkins asked Mr. Marinov if he had anything to add to Mr. Noto's  
32 presentation.  
33

34 Mr. Marinov said just the statement that we appreciate your consideration of our  
35 request. D-1 has been a good community partner to Lake Mary and is looking to  
36 purchase this building for a long-term investment and stay within the City. We are  
37 happy to be here and appreciate your consideration. He said he would be happy to  
38 answer any questions.  
39

40 Chairman Hawkins asked if anyone wanted to speak for or against this item. No one  
41 came forward and the public hearing was closed.  
42

43 **Sam Aycoth moved to approve 2015-CU-02, recommendation to the City**  
44 **Commission regarding a request for a Conditional Use for a private and retail**  
45 **recreational facility, D-1 Fitness, in the M-1A, Office and Light Industrial, zoning**

1 **district located at 30 Skyline Drive with the seven Findings of Fact by staff,**  
2 **seconded by Justin York and motion carried unanimously 5-0.**  
3

4 Chairman Hawkins asked when this would go to the City Commission.  
5

6 Mr. Omana said on January 7<sup>th</sup>.  
7

8 B. 2013-SP-05: Recommendation to the City Commission for a Site Plan with  
9 Variances for two 4,500 square foot buildings located at 138 West Crystal  
10 Lake Avenue; Applicant: Shaw Construction and Management Services  
11 (Public Hearing)  
12

13 Mr. Omana said this is a quasi-judicial item and in the back of the room is a quasi-  
14 judicial sign-in sheet for any member of the public who wishes to sign in and be kept  
15 abreast of this matter.  
16

17 Mr. Noto said this property was before the Board recently for a rezoning going from R-  
18 1A, Residential, to DC, Downtown Centre, with the intent that the applicant was going to  
19 redevelop the property. There is currently a two-story home on the property that has  
20 been there a number of years. The applicant plans to demolish that house and build  
21 two 4,500 square foot office buildings. The architecture will look similar to the white  
22 brick buildings on Fourth Street that the applicant also developed. Our Downtown is  
23 becoming such a hub of our city that some of the users in the existing buildings are  
24 looking to own some land or building and move into their own structure.  
25

26 Mr. Noto said this is a straight forward site plan in that a lot of the infrastructure is  
27 already in place. He showed the plans on the overhead. There is already on-street  
28 parking available on Crystal. The applicant will be extending the sidewalk in front of the  
29 property and going to the east adding handicapped parking spaces. There is an  
30 appropriate landscape plan.  
31

32 Mr. Noto said there are two variances that are part of this request. No. 1 is a request  
33 from the rear yard setback of 20 feet to allow for a 12-foot setback, which is a variance  
34 of 8 feet. No. 2 is a variance from the required front setback of 10 feet to allow a 2-foot  
35 front setback. We have all the criteria outlined in the staff report.  
36

37 Mr. Noto said we have done these types of variances a number of times in the  
38 Downtown. Setback variances are most appropriate in Downtown bringing your  
39 buildings up to the sidewalk and close to the property line and creating that urban  
40 core/urban center walkability area much like what has already been done on First  
41 Street, Lakeview, and on East Crystal by the SunRail Station with the Station House  
42 project. He said he anticipated these types of requests coming forth in the future with  
43 the Station Point project.  
44

45 Mr. Noto said what we look for in variance requests are special conditions and  
46 circumstances unique to the land that would not confer any special privilege for the



## MEMORANDUM

DATE: January 7, 2016

TO: Mayor and City Commission

FROM: Stephen J. Noto, AICP  
City Planner

THRU: John Omana, Community Development Director

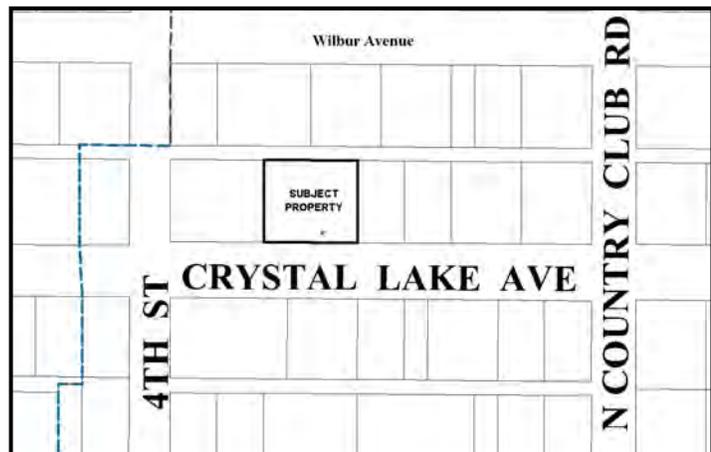
VIA: Jackie Sova, City Manager

SUBJECT: Site Plan with Variances for two 4,500 sq. ft. buildings, 138 W. Crystal Lake Ave.; Shaw Construction and Management Services, applicant (Public Hearing) (Steve Noto, City Planner)

**APPLICANT:** Shaw Construction and Management Services

**REFERENCES:** City Comprehensive Plan, Code of Ordinances, Development Review Committee

**REQUEST:** The applicant is requesting site plan approval, with variances, in order to construct two 4,500 sq. ft. buildings located at 138 W. Crystal Lake Ave.



**Discussion:** The 0.35 acre property is located on the north side of W. Crystal Lake Ave., east of N. 4<sup>th</sup> St. and west of N. Country Club Rd. There is a two-story home on the property that, according to the Seminole County Property Appraiser, was built in 1915. It is currently being rented out by the applicant. As mentioned above, the applicant is planning to construct two 4,500 sq. ft. buildings. A lot split will be processed separately, which is why the lot lines are shown as they are on the plans.

**Right-of-Way Improvements:** On-street parking already exists on W. Crystal Lake Ave. The applicant will be providing two additional handicapped spaces in front of the eastern most building. In addition, the 6' wide sidewalk will be extended to the eastern boundary of the project.

Over time, the applicant has worked with the City regarding the on-street parking spaces that have been developed. That said, there is an excess of approximately 87 parking spaces over what the code requires. In addition, the applicant is working on adjusting the built-out plans for the Fountainview project to include less square footage, which would free-up additional parking that was required by code. The subject project is required to have 14 parking spaces, therefore, there is sufficient parking available within the Downtown for this project.

**Stormwater:** The site is part of the Downtown drainage area that has been permitted previously by the St. John's River Water Management District.

**Open Space:** The subject property meets the open space requirement of Policy 3.1 of the City's Comprehensive Plan Recreation & Open Space Element that all development meets or exceeds the 10% open space requirement. The site plan shows approximately 40% open space.

**Landscaping and Tree Protection:** The proposed landscaping conforms to section 154.67 of the Code of Ordinances. The applicant will also be providing foundation and potted landscaping in the front of the buildings. The landscaping will be installed in phases as the western most building will be constructed first. That being said, the site construction permit shall show the type of landscaping that will be provided on the eastern most lot (it shall be similar to the western most lot).

**VARIANCES:** The Applicant requests the following variances from Chapter 154.67(H) (2) (a):

1. A variance from the required rear setback of 20' feet, to allow for a 12' foot setback (variance of 8').
2. A variance from the required front setback of 10' feet, to allow a 2' foot front setback (variance of 8').

**VARIANCE CRITERIA (Section 154.06):**

The Planning and Zoning Board shall make a written recommendation to the City Commission that all of the following criteria have been met:

**CRITERIA No. 1:**

That a special condition and circumstance exists which is peculiar to the land, structures, or subdivision improvements involved, and which are not applicable to other lands, structures, or required improvements; and

**FINDINGS OF FACT No. 1:**

Criteria met?	Aesthetically, both variance requests are designed to promote and enhance the concepts of the downtown. The variances are being requested in order to provide for consistency and assure the desired aesthetics intended for the Downtown area. Permitting minimal setbacks provides the greatest flexibility in the design due to smaller lots in the area. Thus, the uniqueness is the size of the parcels and trying to attain a consistent theme.
<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. Yes</li> </ol>	

**CRITERIA No. 2:**

That the special conditions and circumstances do not result from the actions of the applicant; and

**FINDINGS OF FACT No. 2:**

Criteria met?	The proposed buildings are to be built with the same general concepts as the other buildings built by the applicant. Approval of the variance would assist in maintaining the intent of Chapter 154.67. The special conditions and circumstances do not result from the actions of the applicant.
<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. Yes</li> </ol>	

**CRITERIA No. 3:**

That granting the variance requested would not confer on the applicant any special privilege that is denied by the provisions of this section to other lands, structures, or required improvements under similar conditions. No pre-existing conditions on neighboring lands which are contrary to the provisions of the section shall be considered grounds for the issuance of variances; and

**FINDINGS OF FACT No. 3:**

Criteria met?	Permitting minimal setbacks along the front of properties presents the greatest flexibility in design due to smaller lots in the area. This design approach is common in redevelopment codes and is a key component of the Downtown.
<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. Yes</li> </ol>	

**CRITERIA No. 4:**

That literal interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other properties with similar conditions; and

**FINDINGS OF FACT No. 4:**

Criteria met?	Because the buildings are being built with the same general concepts as the rest of the buildings in the area, literal interpretation would deprive the applicant and the City the aesthetic appeal the Downtown Development Overlay Standards of Section 154.67 sought to achieve.
1. Yes	
2. Yes	

**CRITERIA No. 5:**

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or other improvements; and

**FINDINGS OF FACT No. 5:**

Criteria met?	The requested variances are the minimum variances required in order to create aesthetically pleasing buildings which maintain the intent of Chapter 154.67.
1. Yes	
2. Yes	

**CRITERIA No. 6:**

That the grant of the variance will be in harmony with the general intent and purpose of the ordinance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**FINDINGS OF FACT No. 6:**

Criteria met?	The granting of the variances will be in harmony with the general intent and purpose of the ordinance. The request will not be injurious to the neighborhood and will help the City to achieve the aesthetic appeal intended for the Downtown Development Overlay Standards.
1. Yes	
2. Yes	

**FINDING OF FACT #7:** Staff finds that all six criteria have been met. The proposed development is intended to follow the same aesthetic concept as other existing buildings developed by the applicant. Permitting minimal setbacks along the front of the properties presents the greatest flexibility in design due to smaller lots in the area. This design approach is common in redevelopment codes based on staff research that has been conducted in the past.

**Similar Variances:** There have been four site plan approvals with variances in the Downtown area. In February of 2003, (2002-SP-03), the City Commission granted two requested setback variances to allow a 6' foot front setback, and to allow a 1' foot front setback. In January of 2005, (2004-SP-11), the City Commission granted a setback variance to allow a 6' foot front setback. In March of 2008, (2007-SP-06), the City Commission granted multiple setback variances for the three buildings to the south with varying dimensions. Those setbacks were modified by the applicant, and approved by the City Commission on January 20, 2011. In March of 2013, the City Commission granted two requested setbacks to allow a 0' front setback adjacent to N. 4<sup>th</sup> St. and W. Crystal Lake Ave. as part of the Fountainview Project (2013-SP-02).

**FINDING OF FACT:** Staff finds that the request for site plan approval with variances is consistent with the Lake Mary Code of Ordinances and the Lake Mary Comprehensive Plan and recommends approval with the following conditions:

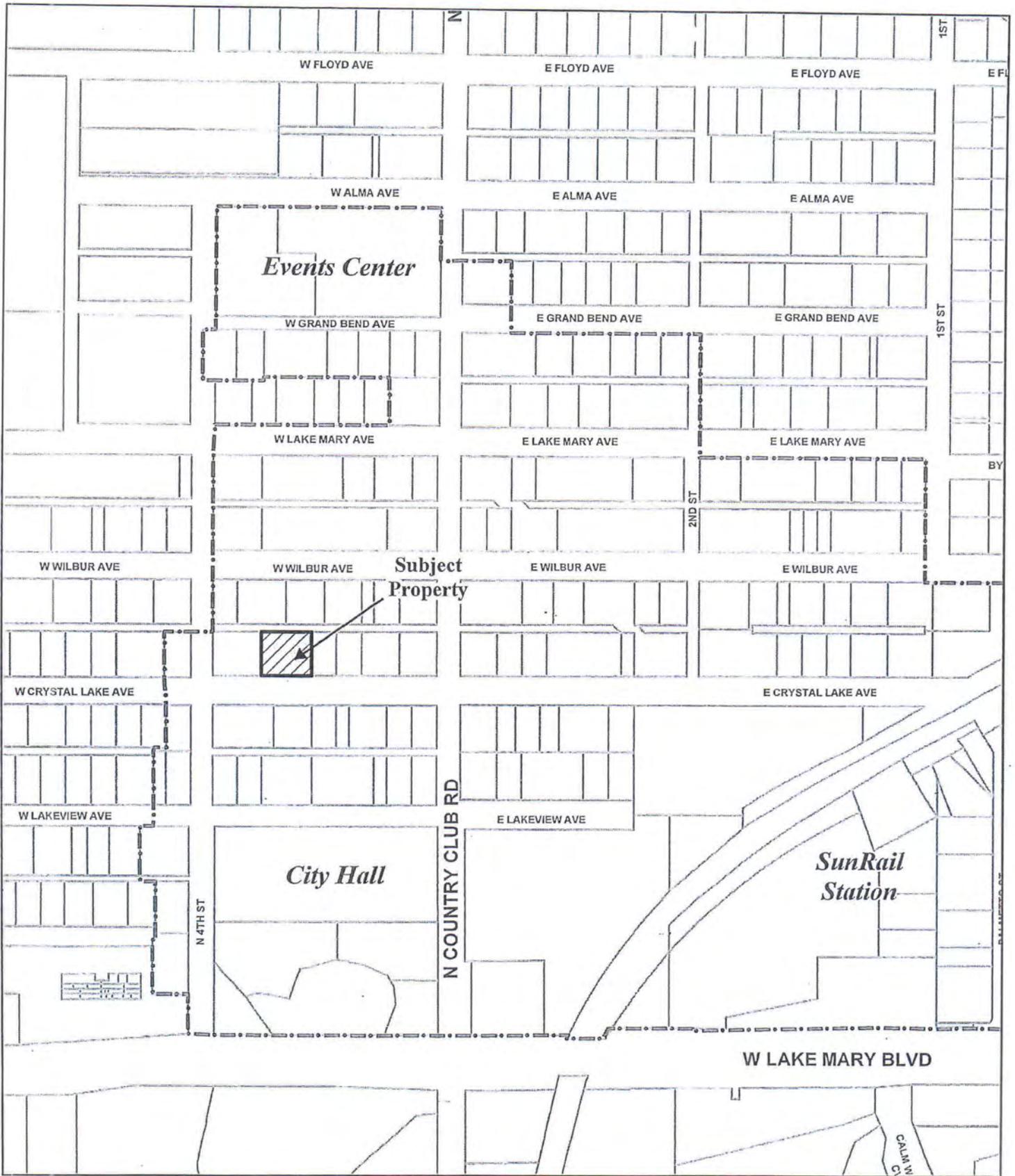
1. Prior to the issuance of a site construction permit, the applicant shall update the datum information to NAVD 88 from NGVD 29. The survey shall also be updated.

**PLANNING AND ZONING BOARD:** At their regular December 8, 2015, meeting the Planning and Zoning Board voted unanimously, 5-0, to recommend approval of proposed Site Plan with Variances, with staff's one condition. The Board also requested that the applicant and staff research the possibility of saving the 28" and 22" oak trees that are located within the right-of-way (ROW) by placing the proposed on-street handicapped spaces elsewhere within the ROW.

**LEGAL DESCRIPTION:** LOTS 23, 24, 25 AND 26, BLOCK 26, CRYSTAL LAKE WINTER HOMES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 114 THROUGH 116, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

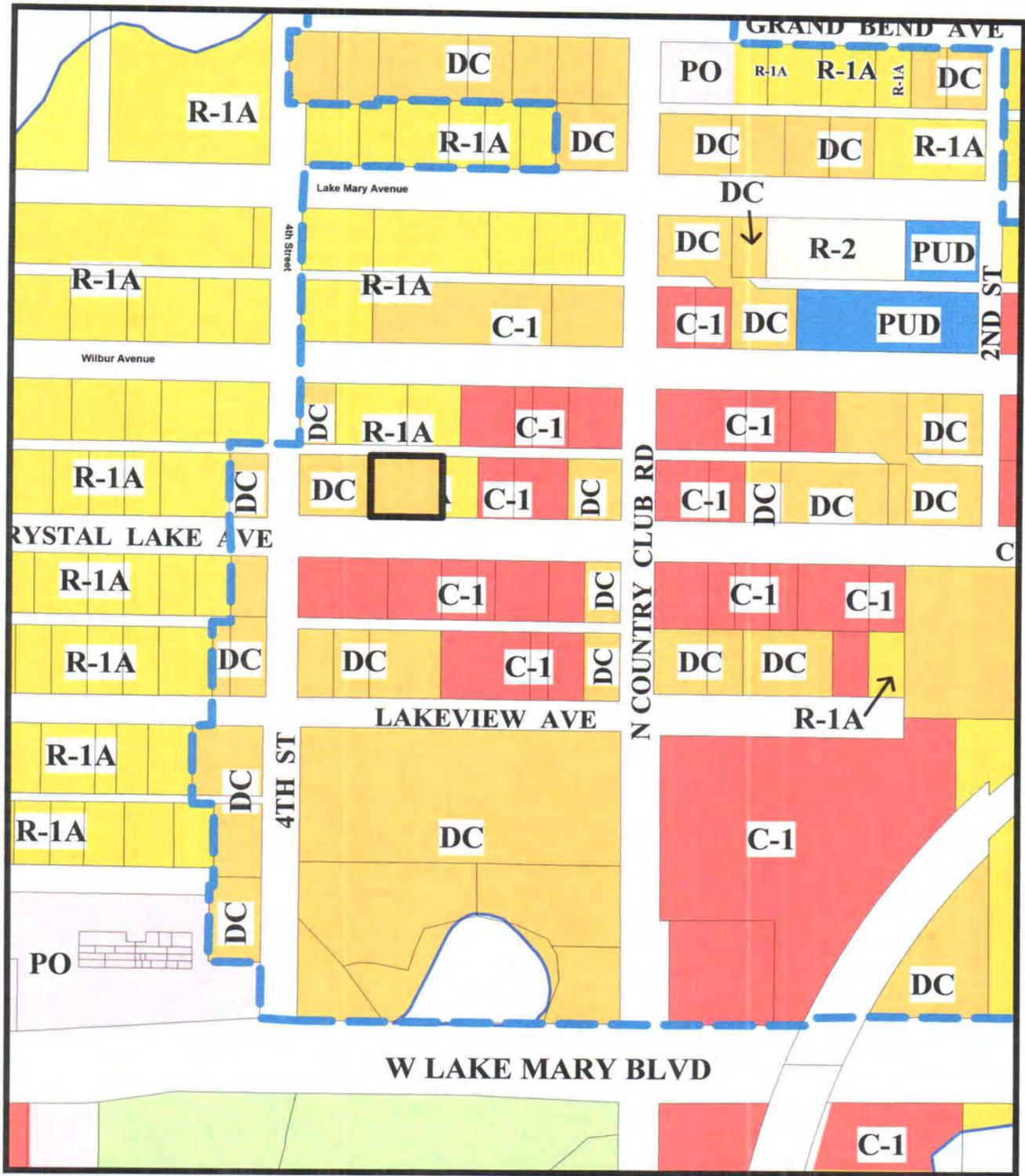
**ATTACHMENTS:**

- Location Map
- Zoning Map
- Future Land Use Map
- Aerial Map
- Site plan
- December 8, 2015 Planning & Zoning Board Meeting Minutes



*Location Map*  
 138 W. Crystal Lake Ave.



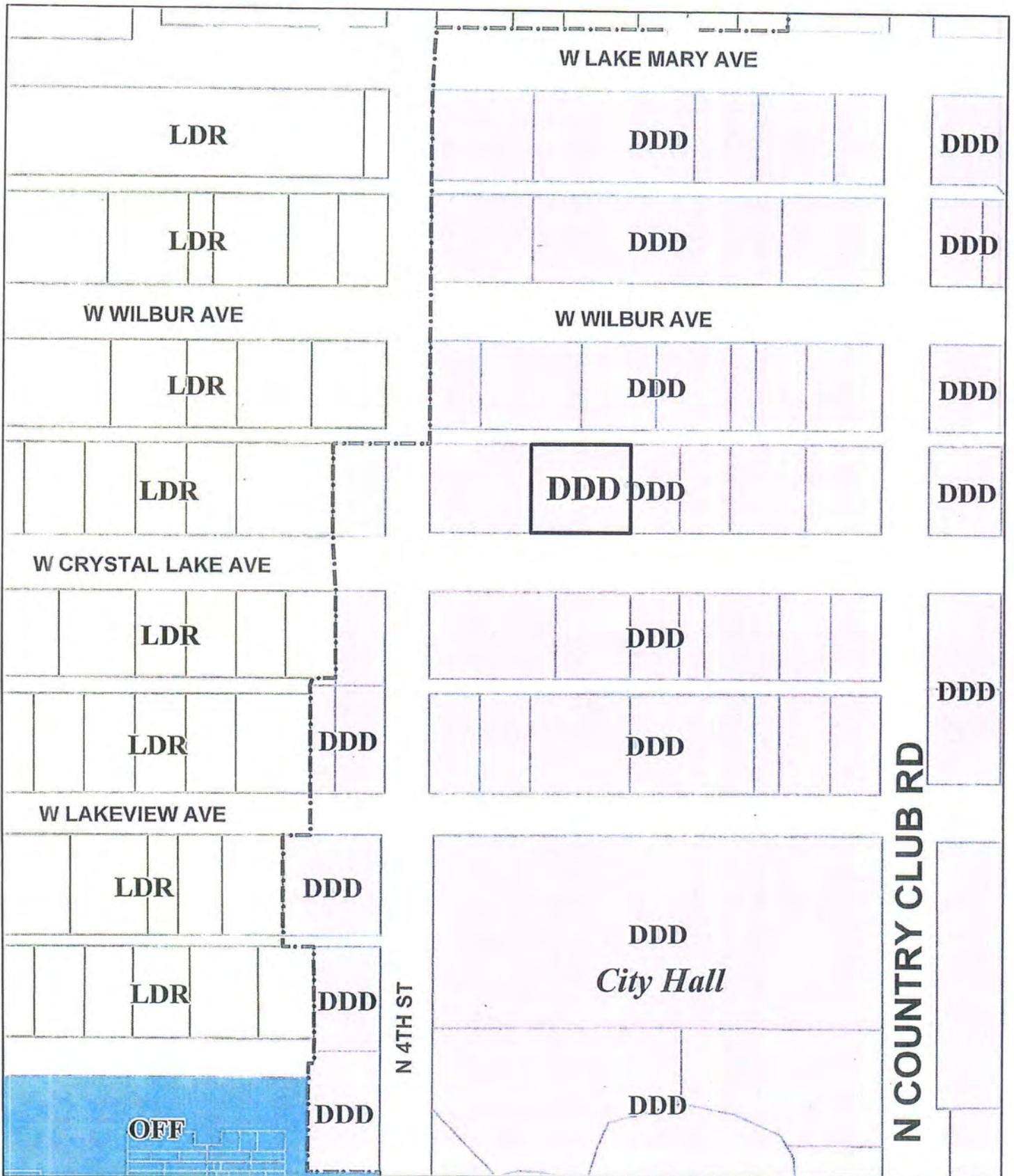


## Zoning Map



<b>A-1</b> Agriculture	<b>R-IAAA</b> Single Family	<b>PUD</b> Planned Unit Development	<b>M-1A</b> Light Industrial
<b>RCE</b> Rural Country Estate	<b>R-M</b> Residential	<b>PO</b> Professional Office	<b>M-2A</b> Industrial
<b>R-1A</b> Single Family	<b>R-2</b> One & Two Family	<b>C-1</b> General Commercial	<b>DC</b> Downtown Center
<b>R-1AA</b> Single Family	<b>R-3</b> Multiple Family	<b>C-2</b> Commercial	<b>GU</b> Government Use

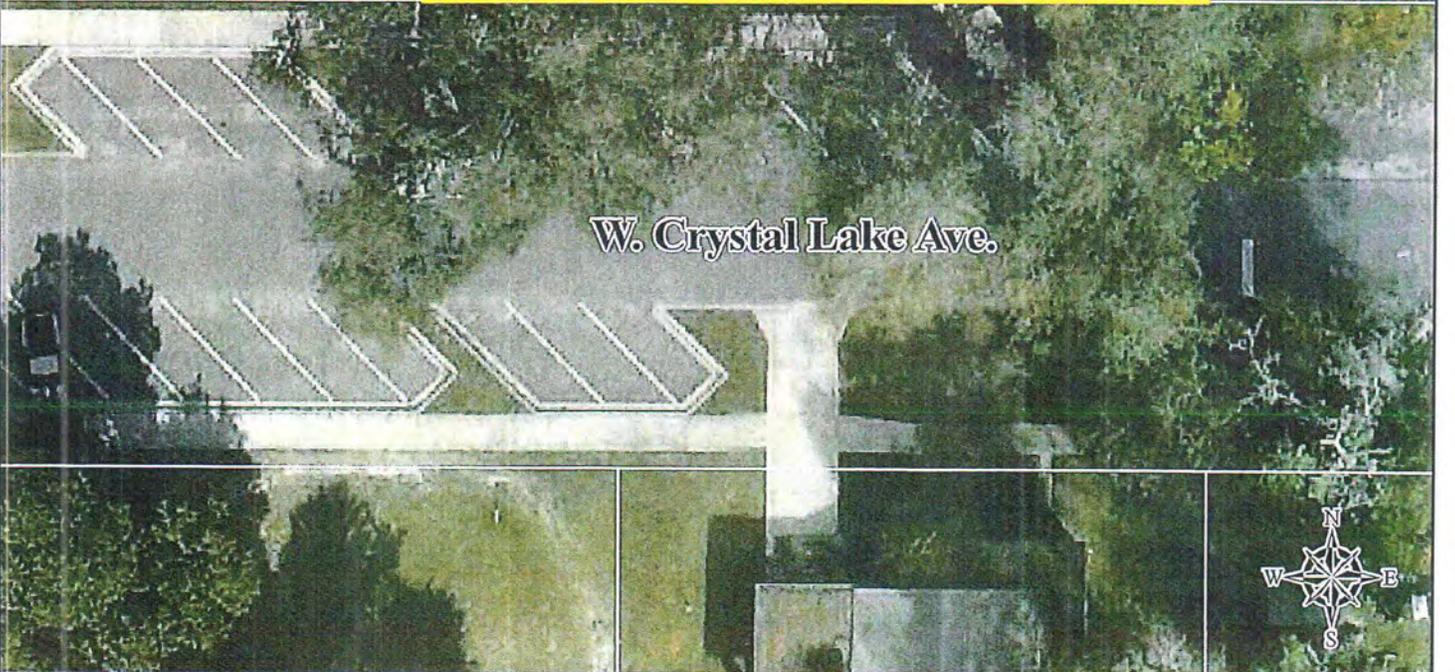
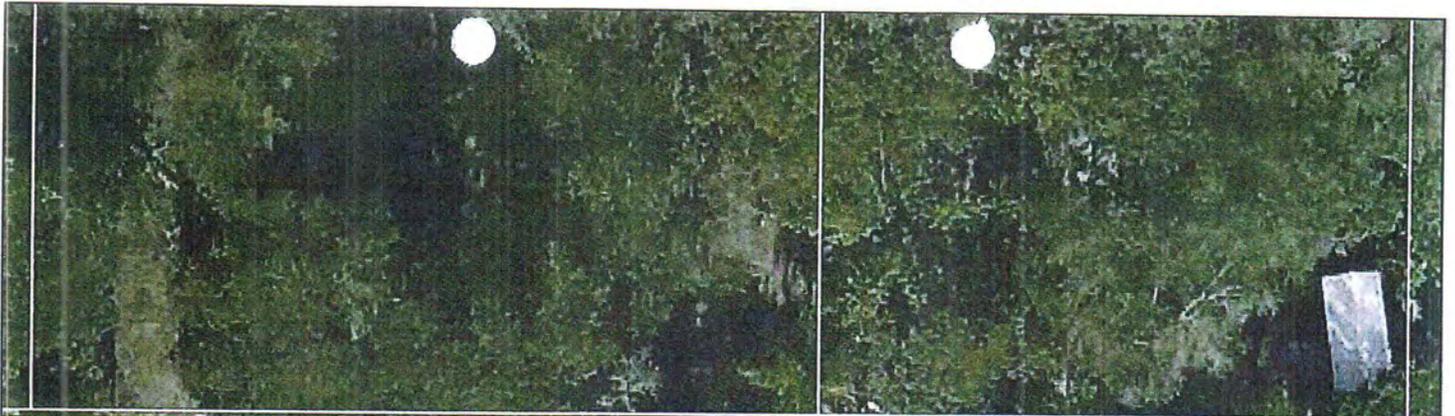




*Future Land Use Map*

138 W. Crystal Lake Ave.





W. Crystal Lake Ave.



1 **district located at 30 Skyline Drive with the seven Findings of Fact by staff,**  
2 **seconded by Justin York and motion carried unanimously 5-0.**

3  
4 Chairman Hawkins asked when this would go to the City Commission.

5  
6 Mr. Omana said on January 7<sup>th</sup>.

7  
8 B. 2013-SP-05: Recommendation to the City Commission for a Site Plan with  
9 Variances for two 4,500 square foot buildings located at 138 West Crystal  
10 Lake Avenue; Applicant: Shaw Construction and Management Services  
11 (Public Hearing)

12  
13 Mr. Omana said this is a quasi-judicial item and in the back of the room is a quasi-  
14 judicial sign-in sheet for any member of the public who wishes to sign in and be kept  
15 abreast of this matter.

16  
17 Mr. Noto said this property was before the Board recently for a rezoning going from R-  
18 1A, Residential, to DC, Downtown Centre, with the intent that the applicant was going to  
19 redevelop the property. There is currently a two-story home on the property that has  
20 been there a number of years. The applicant plans to demolish that house and build  
21 two 4,500 square foot office buildings. The architecture will look similar to the white  
22 brick buildings on Fourth Street that the applicant also developed. Our Downtown is  
23 becoming such a hub of our city that some of the users in the existing buildings are  
24 looking to own some land or building and move into their own structure.

25  
26 Mr. Noto said this is a straight forward site plan in that a lot of the infrastructure is  
27 already in place. He showed the plans on the overhead. There is already on-street  
28 parking available on Crystal. The applicant will be extending the sidewalk in front of the  
29 property and going to the east adding handicapped parking spaces. There is an  
30 appropriate landscape plan.

31  
32 Mr. Noto said there are two variances that are part of this request. No. 1 is a request  
33 from the rear yard setback of 20 feet to allow for a 12-foot setback, which is a variance  
34 of 8 feet. No. 2 is a variance from the required front setback of 10 feet to allow a 2-foot  
35 front setback. We have all the criteria outlined in the staff report.

36  
37 Mr. Noto said we have done these types of variances a number of times in the  
38 Downtown. Setback variances are most appropriate in Downtown bringing your  
39 buildings up to the sidewalk and close to the property line and creating that urban  
40 core/urban center walkability area much like what has already been done on First  
41 Street, Lakeview, and on East Crystal by the SunRail Station with the Station House  
42 project. He said he anticipated these types of requests coming forth in the future with  
43 the Station Point project.

44  
45 Mr. Noto said what we look for in variance requests are special conditions and  
46 circumstances unique to the land that would not confer any special privilege for the

1 applicant among some other things. You can see on the site plan to the left of the  
2 overhead the little lots that are lined up. When the Downtown code was crafted, the  
3 obvious was if we require modern day codes to be put in place on lots that are 33 feet  
4 wide there is no way we will see any sort of redevelopment.  
5

6 Mr. Omana said when he came on board in 1998 one of his comments was how do you  
7 apply 1998 codes to 1926 lots. They were platted back in the '20's. He asked how to  
8 apply a 45-foot setback to a 33-foot wide lot. It makes no sense. That's what triggered  
9 the setting of the regulatory table and the flexibility and design in the codes we have in  
10 place now. That was the thrust of getting those changes in place.  
11

12 Mr. Noto said as shown you can see the 33-foot wide dimension and to not have the  
13 opportunity for variances we wouldn't see what is outside these windows today.  
14

15 Mr. Noto said staff has found the request for the variances does meet the Code of  
16 Ordinances and the intent of the code. There is a paragraph in the staff report about  
17 similar variances dating back to 2003 when we started seeing redevelopment gear up in  
18 the Downtown. There are a number of 1-foot setbacks and zero-foot setbacks.  
19

20 Mr. Noto said everything else involved in the site plan such as stormwater, open space  
21 and landscaping meets all of the code requirements. We will be coordinating with the  
22 applicant to do a lot split. That is the purpose of the dark line going between the  
23 buildings on the exhibit as they will be separately owned and it says "future" on the right.  
24 That building will be constructed in the near future and the priority being the building on  
25 the west side of the diagram.  
26

27 Mr. Noto said staff finds the request for site plan approval with variances is consistent  
28 with the Lake Mary Code of Ordinances and the Lake Mary Comprehensive Plan and  
29 recommends approval. We have one condition: Prior to the issuance of a site  
30 construction permit the applicant shall update the datum information to NAVD 88 from  
31 NGVD 29. The survey shall also be updated.  
32

33 Chairman Hawkins asked Mr. Noto to put up the boundary and survey sheet. He asked  
34 if we really need two more parking spaces that warrant taking down two nice live oak  
35 trees.  
36

37 Mr. Noto said the code requirement is that you provide parking to the terminus of your  
38 property line. He would be required to provide regular parking spaces or handicapped  
39 going to the east to the property line. It is within the guise of this board that if you wish  
40 to see the trees stay versus those parking spaces you can condition the site plan and  
41 recommend to the Commission that the existing spaces be converted to handicapped or  
42 some other type of mechanism you would like to see put in place.  
43

44 Chairman Hawkins said he could see removing the 22-inch oak where the sidewalk is  
45 going to go because sidewalks and live oak tree roots don't go together. He said he  
46 wasn't crazy about camphor trees. He said he would like to see the site have all the

1 camphor trees removed and perhaps there would be room for one more parking space  
2 to the east end of the property between the 22-inch oak and the 5-inch camphors but  
3 would rather have the camphors removed.

4  
5 Mr. Noto said understood.

6  
7 Chairman Hawkins said the two oaks to the west and the two oaks to the east are nice  
8 oak trees. They are not diseased or damaged. There aren't enough parking spaces to  
9 service 9,000 square feet of office or retail space one way or another.

10  
11 Mr. Noto said they are in excess of parking spaces in the Downtown as it pertains to the  
12 minimum code requirements. If it is the wish of P&Z to have us look at realigning those  
13 spaces, we can work with the applicant and work internally with Public Works. He  
14 showed an aerial of the parking spaces. He said we can look into that further prior to  
15 the City Commission meeting.

16  
17 Member Aycoth said the comment was made that parking does meet code. He said he  
18 knew on weekends it was crowded and asked how it was during the day.

19  
20 Mr. Noto said it is busy. The City installed the parking on Seminole behind the Fourth  
21 Street Bar & Grill. We purchased a piece of property on Lakeview on the other side of  
22 Fourth Street and added parking there. Parking was a challenge, especially when we  
23 had special events, i.e. WineART Wednesday, Farmer's Market, Christmas tree lights,  
24 and all that. The City did go out and provide some additional parking. During the day  
25 it's not so bad. Lakeview is always busy and even Fourth Street but when you get north  
26 of Lakeview, it's less hectic. When you get to Crystal, until you get to the more  
27 established businesses further east before Country Club, there is only one business on  
28 the corner of Fourth and Crystal.

29  
30 Mr. Noto said we continue almost daily to look at parking and how we can improve it. A  
31 lot of that is in working with Terry (Shaw) and his plans for continued redevelopment in  
32 the Downtown as well as what administration might be looking at for future  
33 improvements. In 2013 we changed the code in the Downtown. The applicant  
34 submitted his plans prior to this code amendment. If someone were to come in today  
35 with a new site plan application for a similar project, they would be required to either put  
36 parking on their site or they would have to construct at their cost or buy parking spaces  
37 from the City at a certain dollar amount. As we continue to see this redevelopment  
38 occur, Crystal Lake Avenue is the next area we focused in on, especially east of  
39 Country Club Road. The next project is going to have to have on-site parking as well as  
40 on-street parking.

41  
42 Member Aycoth asked if this was just for office and retail.

43  
44 Mr. Noto said that is correct. That is the plan at this point.  
45

1 Member Taylor asked if the parking we are talking about being sufficient is in light of  
2 4,500 square feet or 9,000 square feet.  
3  
4 Mr. Noto said 9,000 square feet.  
5  
6 Member Taylor said if we eliminate parking in favor of those trees, she asked if that  
7 would be setting a precedent for other places that would affect long-term parking. We  
8 are not talking about one site but a more expansive area. She asked Mr. Noto what he  
9 would see that precedent as being.  
10  
11 Mr. Noto said that would be part of our review after this meeting when we go back and  
12 try to figure out how those spaces could fit maybe a little further down the right-of-way.  
13 We have landscape islands along the street, especially on Fourth. They are not very  
14 big ones but we do have two landscape island areas. Perhaps this is an opportunity to  
15 do something like that and take an engineering approach to it. As we continue to move  
16 east down Crystal add in the spaces in that area.  
17  
18 Member Aycoth asked how close the 22-inch oak was to the sidewalk.  
19  
20 Mr. Shaw answered from the audience it's a couple of feet off of where the proposed  
21 sidewalk is.  
22  
23 Mr. Noto said our Parks Director is a certified arborist and we will go out with him, take a  
24 look at the tree and see how far out the roots are going. It may be a situation where if  
25 you throw down some sidewalk and save that tree, maybe a year or so down the road  
26 that sidewalk might be popping up. We will take a look at that as part of this discussion.  
27  
28 Terry Shaw of Shaw Construction, 386 Pine Tree Road, came forward. He said he  
29 looked at these trees hard himself because he doesn't like taking down big trees. The  
30 big one by the white buildings we were able to save. We will work and see if there was  
31 any way we could move a little to the right.  
32  
33 Chairman Hawkins said to at least save the 28 inch.  
34  
35 Mr. Shaw said that's the one he was trying to save originally. The 22 inch is in the  
36 middle and the other 22 is on the sidewalk. The problem with the 22 where the  
37 sidewalk is it will be in the building too and then you will have danger of it collapsing on  
38 the building.  
39  
40 Chairman Hawkins said he didn't care about saving the one where the sidewalk goes.  
41  
42 Mr. Shaw said we will work on that and see what we can do. He agreed with Chairman  
43 Hawkins on the camphors.  
44  
45 Chairman Hawkins said camphors are the worst growing trees as far as roots.  
46

1 Mr. Shaw said as far as parking, we talk about this daily in our company. When we  
2 started these buildings, we called them the 130 buildings for Fourth Street. The 150  
3 buildings originally were supposed to be 30,000 square foot each, but we decided  
4 parking was an issue and we put them up 15,000 each. He said he was nervous of  
5 having parking strangle. He thought it works pretty well. We are a little busy on the  
6 weekends and the City parking lots have helped tremendously. This should work out  
7 good. He calls this Phase 2. He said he and his wife are going to own everything  
8 around the park and keep that in our family, but as we move back, Crystal, Wilbur and  
9 stuff our goal is to bring people in, have their offices here and help our Downtown grow.  
10 The first building is already sold to one of his tenants who has been with him from day  
11 one. He has a lot of people asking to have their offices here.

12  
13 Chairman Hawkins asked if anyone wanted to speak for or against this item. No one  
14 came forward and the public hearing was closed.

15  
16 Chairman Hawkins said he would like to add a condition that we save the 28-inch oak  
17 and if possible the 22-inch oak beside it in lieu of parking spaces in that area and that  
18 we ask the applicant to remove any camphors that he can on the site because they are  
19 nuisance trees.

20  
21 Member Taylor said she would love to see the 28-inch and 22-inch trees saved but  
22 didn't know if she would go so far as to making it a firm condition of approval. She  
23 would like to see them take a hard look at it knowing they have done a good job in the  
24 past between Terry and the City.

25  
26 Chairman Hawkins said he would make it a "request".

27  
28 Member Taylor said she was comfortable with request and they take a hard look at  
29 trying to save them. She thought that would be in everyone's best interest.

30  
31 Alternate Threlkeld said he had an observation. It seems like the 28-inch oak hard up  
32 against that parking spot, can the whole thing be shifted over. It seems like there's not  
33 another tree opposite.

34  
35 Chairman Hawkins said on the other side there is a 24 and 20-inch oak.

36  
37 Alternate Threlkeld said he saw the 24 but didn't see anything right against the parking  
38 spot. He asked if that was going to be grass.

39  
40 Chairman Hawkins said he was assuming they were able to put those four parking  
41 spaces in and not damage the oak roots. He was assuming if the 28-inch oak is still  
42 thriving despite having some roots cut he didn't think that needs to be moved.

43  
44 Alternate Threlkeld said the other idea was to put another spot on the far right side.  
45 Maybe that could be the handicapped spot.

46

1 Mr. Shaw said he thought they could keep that 28 and maybe the 22 and move  
2 everything east ten feet.

3  
4 Mr. Noto said we will have to get with our Building Official. Sometimes those  
5 handicapped spaces have to be as close to the building as possible. We will work with  
6 Terry and Joe and work it out.

7  
8 Chairman Hawkins said we'll leave it as a request that you will save one or both trees  
9 and move the parking to the east ten feet.

10  
11 Member York said this item is listed 2013-SP-05. He questioned if that should be 2015-  
12 SP-05.

13  
14 Mr. Noto explained it is a 2013 application.

15  
16 **MOTION:**

17  
18 **Justin York moved to approve 2013-SP-05, recommendation to the City**  
19 **Commission for a site plan with two variances for two 4,500 square foot buildings**  
20 **located at 138 West Crystal Lake Avenue with the seven findings of fact by staff**  
21 **and one condition and with the request that the 28-inch oak, and hopefully the 22-**  
22 **inch oak to its east, be preserved and the parking spaces be shifted ten feet to**  
23 **the east. Seconded by Colleen Taylor and motion carried unanimously 5-0.**

24  
25 **CONDITION:**

26  
27 **Prior to the issuance of a site construction permit the applicant shall update the**  
28 **datum information to NAVD 88 from NGVD 29. The survey shall also be updated.**

29  
30 Chairman Hawkins asked if this also goes to the City Commission January 7<sup>th</sup>.

31  
32 Mr. Omana said that was correct.

33  
34 X. Community Development Director's Report

35  
36 Mr. Omana said the City Commission at its last meeting approved on second reading  
37 the rezoning for the said property just considered for site plan (138 West Crystal Lake  
38 Avenue).

39  
40 Mr. Omana said staff has been working closely with the Seminole County Engineering  
41 Division on the design of the proposed signal at Wilbur and Country Club Road. We  
42 were able to get some technical support from the County engineering office where they  
43 are going to do the actual design for the layout. They will then come in for the  
44 construction and put in the signal. All of that is budgeted. That is going to save us some  
45 money in terms of the design.



## CITY MANAGER'S REPORT

DATE: January 7, 2016  
TO: Mayor and City Commission  
FROM: Jackie Sova, City Manager  
SUBJECT: City Manager's Report

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### **ITEMS FOR COMMISSION ACTION:**

1. FY 2016 Milling and Paving Program Change Order #2.

### **ITEMS FOR COMMISSION INFORMATION:**

1. None



## CITY MANAGER'S REPORT

DATE: January 7, 2016  
TO: Mayor and City Commission  
FROM: Bruce Paster P.E., Director of Public Works  
VIA: Jackie Sova, City Manager  
SUBJECT: FY 2016 Milling and Paving Program Change Order #2

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**DISCUSSION:** At the November 19, 2015, Commission meeting, you approved for the City Manager to enter into a contract for milling and paving of City roads with Ranger Construction Industries. Based on the low cost of paving due to the current price of oil, and the amount of additional money available in the Street Resurfacing budget, you also approved Change Order #1 allowing for the milling and paving of additional streets to be added to Ranger's contract.

Staff is again requesting that additional roads be added to the contract, as Change Order #2, for milling and resurfacing as follows:

Pine Circle Drive, Greenleaf Lane, N. Palmetto Street, N. Lake Street, N. Hollis Street, and N. High Street.

All of these road sections warrant resurfacing. The neighborhood along Greenleaf Lane has been recently impacted by the Lake Mary Boulevard sewer construction project. The cost of Change Order #2 is \$101,359.20. There is an unencumbered balance of \$407,971 in the Street Resurfacing Fund at this time. Figures showing the limits of work are attached.

**RECOMMENDATION:** Request Commission authorize City Manager to approve Change Order #2 to Ranger Construction Industries contract in an amount not to exceed \$101,359.20 for the above described additional milling and paving road work.

CITY OF LAKE MARY  
MILLING AND PAVING PROJECT  
Bid Number 15-07

**CHANGE ORDER #2**

PINE CIRCLE DRIVE (FIGURE 1)

	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE
1	Mobilization	LS	1	\$1,115.00	\$1,115.00
2	Maintenance of Traffic	LS	1	\$1,650.00	\$1,650.00
3	Erosion Control and Inlet Protection	LS	1	\$1.00	\$1.00
4	Mill existing Asphalt	SY	1,898	\$3.85	\$7,307.30
5	1.5" Asphalt Resurfacing	SY	1,898	\$7.95	\$15,089.10

GREENLEAF, N. PALMETTO, N. LAKE, N. HOLLIS, N. HIGH (FIGURE 2)

	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE
1	Mobilization	LS	1	\$1,115.00	\$1,115.00
2	Maintenance of Traffic	LS	1	\$3,300.00	\$3,300.00
3	Erosion Control and Inlet Protection	LS	1	\$1.00	\$1.00
4	Mill existing Asphalt	SY	6,188	\$3.75	\$23,205.00
5	1.5" Asphalt Resurfacing	SY	6,188	\$7.85	\$48,575.80

<b>TOTAL CHANGE ORDER AMOUNT</b>					<b>\$101,359.20</b>
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# City of Lake Mary Milling and Paving



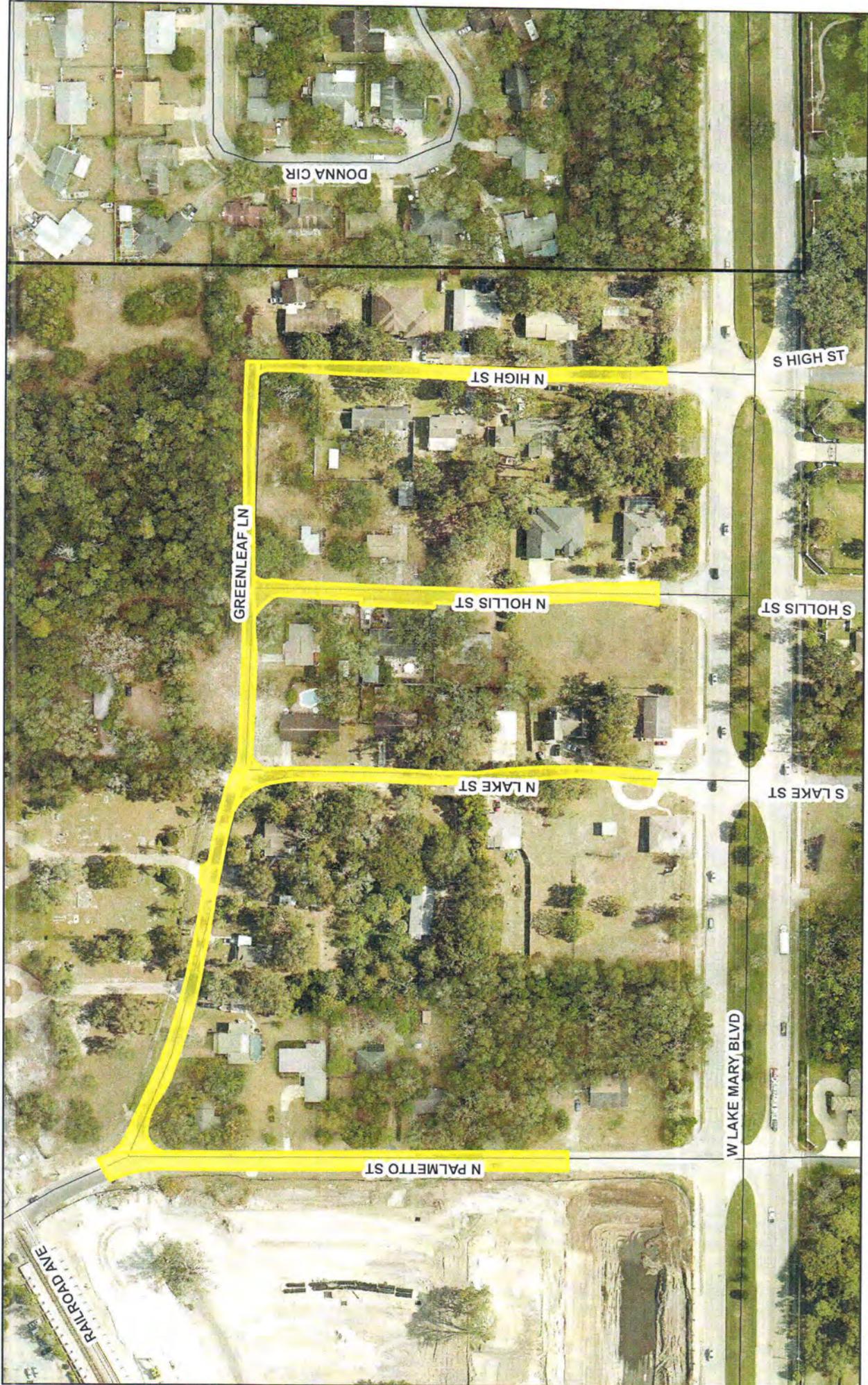
 Limits of Work

**Pine Circle Dr  
Change Order #2 (Figure 1 of 2)**

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# City of Lake Mary Milling and Paving



 Limits of Work

**Palmetto St, Greenleaf Ln,  
Lake St, Hollis, High St**

**Change Order #2 (Figure 2 of 2)**

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