



LAKE MARY CITY COMMISSION

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

**Regular Meeting
AGENDA
THURSDAY, AUGUST 07, 2014 7:00 PM**

- 1. Call to Order**
- 2. Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: July 17, 2014**
- 6. Special Presentations**
- 7. Citizen Participation**
- 8. Unfinished Business**
 - A. Ordinance No. 1511 - Rezone property at 3112 W. Lake Mary Boulevard from RCE (Rural Country Estates) to PO (Professional Office); Linn Engineering/Chad Linn, applicant - Second Reading (Public Hearing) (Gary Schindler, City Planner)**

- B. Ordinance No. 1512 - Rezone property at the north end of Century Point at St. Peters Church from A-1 (Agriculture) to M-1A (Light Industrial); Mark Harkins, applicant - Second Reading (Public Hearing) (Gary Schindler, City Planner)**

9. New Business

- A. Request for a Conditional Use approval to allow a K-8 school (Seminole Science Charter School) to be located at 3580 N. U.S. Highway 17/92, Naeem Haider, MD/Mehmet Taskan, applicant (Public Hearing) (Steve Noto, Senior Planner)**
- B. Resolution No. 942 - Annual Local Improvement and Essential Service Assessments for Lake Mary Woods Wastewater Improvements (Jackie Sova, City Manager)**
- C. Jobs Growth Incentive Interlocal Funding Agreement between the City of Lake Mary and Seminole County for Deloitte Consulting LLP and Deloitte Services LP (Tom Tomerlin, Economic Development Manager)**

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

- a. Expenditure from Law Enforcement Trust Fund for donation to Lake Mary High School's Challenge Day**
- b. Reappoint Cora Rice to the Historical Commission**

B. Items for Information

- a. None**

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: August 21, 2014

1 MINUTES OF THE LAKE MARY CITY COMMISSION BUDGET WORK SESSION held
2 July 17, 2014, 5:00 P.M., Lake Mary City Commission Chambers, 100 North Country
3 Club Road.
4

5
6 The work session was called to order by Mayor David Mealor at 5:07 P.M.
7

8 Mayor David Mealor	Jackie Sova, City Manager
9 Commissioner Gary Brender	Carol Foster, City Clerk
10 Deputy Mayor George Duryea	Dianne Holloway, Finance Director
11 Commissioner Thom Greene	John Omana, Community Dev. Dir.
12 Commissioner Jo Ann Lucarelli – Absent	Gary Schindler, City Planner
13	Tom Tomerlin, Economic Dev. Mgr.
14	Bruce Paster, Public Works Director
15	Bryan Nipe, Parks & Recreation Dir.
16	Wanda Broadway, HR Manager
17	Joe Landreville, Deputy Fire Chief
18	Steve Bracknell, Police Chief
19	Colin Morgan, Deputy Police Chief
20	Mike Biles, Police Lieutenant
21	Mary Campbell, Deputy City Clerk

22 I. Items for Discussion
23

24 A. Proposed Fiscal Year 2015 Budget
25

26 Ms. Sova said she is recommending the same tax rate as last year of 3.5895. We
27 expect that to generate \$6,327,960 in ad valorem tax revenue. That is higher than last
28 year. We did have a 4.1% increase in property values. Those numbers do correlate
29 between the 2005 and 2006 ad valorem revenues when we actually had a higher tax
30 rate. That is how far we have come and where we have been.
31

32 Ms. Sova said if we want to look at more specific revenues we can start on Page 3 and
33 go down the list. Progress Energy Franchise Fees are holding level. FPL is going up a
34 little. Most of our new construction has been in FPL's territory. Propane is level. In
35 solid waste we are going to try and hold that solid waste franchise fee as we negotiate
36 and set the rates with our new hauler. It is important as flat as these revenues are that
37 we don't take a real dive in that revenue source. Utility taxes with Progress Energy are
38 flat and almost on a declining trend and that is due to the fact that they do so much
39 natural gas. The price of gas has been down significantly and that causes our portion of
40 the fee to drop as well. That is pretty popular statewide. There is a lot of financial
41 officer conversation about that. The flip side of that is the FPL utility tax is climbing
42 some.
43

44 Ms. Sova said we have been talking about telecommunications for years and with all the
45 gadgets people can do they are dropping their land lines and are figuring out how to get

1 around cable TV with bundled services. Everybody is benefiting from cost effectiveness
2 at home but it affects us too.
3
4 Deputy Mayor Duryea asked if that was also a function of how the state wants to give us
5 whatever they decide what our portion is.
6
7 Ms. Sova said they do go through and audit it but we set the percentage of 5.12%. It is
8 address based so it is a matter of how it comes out on how it gets dispersed.
9
10 Commissioner Brender asked Ms. Sova if she was thinking \$150,000 down is...
11
12 Ms. Sova said that is a state projection for us as they look at the revenues.
13
14 Ms. Sova said Business Tax Receipts are expected to stay stable. Building Permits are
15 still above 2011. We have some more office buildings and places on International
16 Parkway to be built but Verizon's permit is behind us as well as the permits for the
17 apartments.
18
19 Deputy Mayor Duryea said we don't see a lot going on for 2015.
20
21 Ms. Sova said we have some things on International Parkway and several buildings on
22 Business Center Drive we think will happen in that timeframe. The Florida Hospital
23 building is expected to happen in that timeframe. We think that is a reasonable number.
24 It doesn't show a total lack of construction that we went through in 2009 and 2010. That
25 same kind of philosophy goes with the electrical, plumbing and mechanical. There is
26 probably more interior renovation rather than a full building.
27
28 Ms. Sova said court fines are still down from where they were. That is still a lot related
29 to the hearing officers not being real hard on people and forgiving a lot of the tickets that
30 come before them.
31
32 Ms. Sova said the Local Option Gas Tax we are looking at picking up a little bit. State
33 Revenue Sharing is also climbing due to the improved economy. The Half-Cent Sales
34 Tax is another improvement in the economy because people are spending more money.
35 They may not be building but they are spending more money.
36
37 Deputy Mayor Duryea asked if the alcoholic beverage licenses were new licenses or
38 existing.
39
40 Ms. Sova said existing renewals. Those licenses are hard to get and we only have a
41 few so that stays real stable. We pretty much know where those establishments are
42 when they open. We got a bump when some of our local establishments opened in the
43 Downtown.
44
45 Ms. Sova said the next big revenue is our Rescue and Transport Fees. We are hoping
46 that stays more stable with the 2013. The chief has been looking at that transport fee

1 and we are trying to move forward with that this year. Some of the other cities raised
2 their fees and the County did as well. We will keep track if there is a potential to look at
3 the fee.

4
5 Commissioner Brender asked if the collection rate was stable.

6
7 Ms. Sova answered affirmatively.

8
9 Ms. Sova said the Events Center rentals are stable and are up a little bit. We are
10 hoping the Community Center does a good job for us.

11
12 Commissioner Greene asked if the \$50,000 figure was a guesstimate.

13
14 Ms. Sova said we only had a partial year this year with just a few months of rentals and
15 we extrapolated that into a full year. It could be more. We are advertising now. We
16 have had eight Zumba classes a week, had some martial arts, we have an artist coming
17 in so we are barely just begun to get the activity in there. We have had summer camp
18 there during the day. The kids got on the SunRail today and went to the Science
19 Center.

20
21 Ms. Sova said the Farmer's Market has stabilized. We worked with those fees and
22 have been working with those people. The skate park is still slow. We had another one
23 open that is free but it is also unmanned which leads to its own set of difficulties. The
24 splash park stays good for us while it is open as do the rest of our park rentals and
25 concessions. The Smoothie King at the trail has been the best thing that we have had
26 in that facility. It is the most stable, open the most hours and is consistent.

27
28 Deputy Mayor Duryea said we are going from \$2,435 to \$7,500.

29
30 Ms. Sova said because that is about the time period they have been open. We have
31 concession at the ball fields too.

32
33 Deputy Mayor Duryea asked why we have a negative interest.

34
35 Ms. Sova said we true up to actuals and once a year we have to mark to market. What
36 that reflects is the mark to market in the financial statements. We actually get money all
37 year long but the value of our investments might not pan out so great.

38
39 Ms. Sova said there is almost no change in Streetlighting. We haven't done any new
40 assessments in years. Other Miscellaneous Revenues depend on what's going on.
41 The transfer from the Water & Sewer Fund we upped about \$30,000 this year. We can
42 support between \$1.2 million and \$1.6 million but we have never in the past raided the
43 Water & Sewer Fund to help out another fund. We think that is more realistic with a few
44 of the things we are looking at.

45
46 Deputy Mayor Duryea said we are expecting a \$3 million loss in revenue this year.

1
2 Ms. Sova answered affirmatively. We have kept this low tax rate a long time. The next
3 city closest to us is 1.2 mills above us.

4
5 Deputy Mayor Duryea asked how we stood with the County.

6
7 Ms. Sova said we are just about equal. Our reserves did get very high and we knew we
8 had to do all this Downtown work and we are just finishing up some major projects. We
9 can see that when we did the five-year plan. There is a lot of pressure on the ad
10 valorem rate. A lot of that has to do with the other revenues being so flat or down. The
11 telecommunications tax used to be our second largest source of revenue.

12
13 Deputy Mayor Duryea said the budget for 2014 was \$34.8. He asked if they could
14 expect 2015 to be better.

15
16 Ms. Sova said it is better than that now. That '14 will probably be at least a million a
17 year.

18
19 Commissioner Brender said we have always recommended that we try to guess on the
20 outgo high and the incomes low. As long as we err on that side then he was happy.

21
22 Ms. Sova said the City Commission budget is \$700 higher than last year. That is a
23 factor of an additional person on the insurance plan. The City Manager's budget is a full
24 year reflective of the Economic Development Manager. The anticipated operating costs
25 are flat.

26
27 Deputy Mayor Duryea asked who was in the City Manager's Salaries/Wages.

28
29 Ms. Sova said the City Manager, Administrative Assistant, HR Manager, HR Specialist,
30 and Economic Development Manager.

31
32 Ms. Sova said the City Attorney's budget is flat with no change. We are within budget
33 this year.

34
35 Ms. Sova said City Clerk's budget is flat. We have added a little money up to a 3%
36 merit increase for employees. We are working with the merit system on that with the
37 points through the evaluation process.

38
39 Ms. Sova said in the General Administrative budget, we had \$175,000 budgeted the last
40 couple of years for Downtown work for studies the Commission asked us to do and
41 things that come out of the blue under Professional Services. We have lowered that to
42 \$95,000. We have an audit estimate of \$13,000. This is the year we have to take our
43 audit out for RFP. Other Contractual Services are related to maintenance items. The
44 biggest item in here is \$150,000 to do a pay and class study. Our biggest problem is all
45 the cities that didn't get anything for several years are now giving across the boards.
46 Pretty much everybody in the County is talking about a 3% across the board. It's a

1 matter of do they move their whole pay plan at the same time which puts a lot of
2 pressure on us. If they move their entire pay scale up it causes ours to fall behind. We
3 will study that and see whether or not pay adjustments are merited. We did not do that
4 last year. We had a couple of select people that needed adjustments but we did not
5 look citywide.

6
7 Deputy Mayor Duryea asked how often we do that.

8
9 Ms. Sova said every few years. We used to do it every year but times were better. Two
10 years ago we looked across the board and didn't have to do a whole lot. Last year was
11 a handful of people that had jobs that rearranged or in particular those positions were
12 falling behind. With this one we will look at the entire pay plan.

13
14 Deputy Mayor Duryea said that would cost \$150,000 or is that just the effect of it.

15
16 Ms. Sova said we wouldn't exceed that and would have to include the pension benefit
17 that goes along with it. It would be the implementation cost.

18
19 Ms. Sova said the other items in here are the 17-92 CRA payment coming up to expire
20 soon, contribution for the transportation for Lake Mary seniors is an option, our
21 Neighborhood Beautification Grant Program, and then our Economic Incentives. Axiom,
22 Paylocity, and Digital Risk we expect to qualify but that would be the last of it.

23
24 Deputy Mayor Duryea said Digital Risk laid off a lot of people.

25
26 Ms. Sova said they did. What they are doing is reformulating a business plan. They are
27 switching to underwriting rather than just researching defaulted mortgages, assessing
28 mortgage risks. They are in the process of obtaining the qualifications and certifications
29 they need to do that. They met the requirements because they had enough employees
30 in Lake Mary. They did meet what they needed to meet. It appears that they will meet
31 it again. That is carefully monitored by us and the County and it is the County that holds
32 the surety on that. The first payment is due Verizon. Not only do they have 700 jobs
33 now but they are committed to about 1,100 jobs total. They are still in the hiring
34 process.

35
36 Ms. Sova said CareMed was recently approved and is a lump sum. We have another
37 coming in the next few weeks (code name Wheat) but should not fall within this budget
38 period.

39
40 Ms. Sova said Community Development is not up a lot. There is the 3% in salaries. We
41 deleted a position last year.

42
43 Deputy Mayor Duryea asked if they had seen a decrease in our insurance costs. We
44 felt that we would see that.

45

1 Ms. Sova said the health insurance stayed flat and was down .5%. The market trend is
2 a 12% upward so there was a savings. The clinic is doing a good job because
3 employees are getting their medications there rather than buying them on the insurance
4 plan. We were able to do that even with one large claim last year. That claim by itself
5 was about a third of the cost of our plan for the year. We thought we did great.
6 Employees with dependents got a small reduction in their contribution.

7
8 Ms. Sova said Finance is the same.

9
10 Ms. Sova said she approved the request for an additional person in IT. We have had
11 two people in IT for 11 years and we keep adding technology. A lot of that technology is
12 in the police department and we have a lot of compliance matters that have to be taken
13 care of for their equipment and access. We finished yesterday some second
14 authentication. A lot of what they need to have and a lot of what we provide them with
15 is technology intense. They need a lot more coverage than they get. There is a lot
16 going on just in the police department trying to keep them covered and up to date.
17 FDLE and the feds have a lot of requirements. We need to meet them and it's hard with
18 just two who are swamped all the time. It would be mid-range between the two folks
19 that we have.

20
21 Ms. Sova said the Building Department is the same story. In Building Revenues we
22 might have the opportunity in fees. The General Fund is contributing. The fees are not
23 covering the entire cost of the operation. That is another place we can look to beef up
24 the revenues.

25
26 Ms. Sova said the Police Department had asked for an additional training sergeant and
27 we had some conversation about that last year. The police department used to have
28 eight sergeants and are down to five. She has been asked for this person. A more
29 multi-tasking person can take over their training requirements and help in a lot of other
30 areas.

31
32 Mayor Meador said the letter on the dais with Officer Hudson, he asked if that was a
33 position that we will fill internally. (Mayor Meador was referring to Officer Hudson's letter
34 of resignation.)

35
36 Chief Bracknell said Ms. Sova authorized them to advertise that position internally today
37 and we will keep it open until we get it filled internally. We are planning on approaching
38 the City Manager the middle of next month to get permission to fill that position.

39
40 Mayor Meador said that was a very important position to the police department and very
41 different than what Lt. Biles and his frontline people are asked to do. The PR benefit is
42 invaluable in terms of perception.

43
44 Ms. Sova said Zach would still be around. He has an opportunity where he wants to
45 stay involved. His heart is in that other organization and they have found a way to make

1 it work for him. It is a big loss but it has a lot to do with Zach's heart and what he wants
2 to do more than it does us or what we can offer him.
3
4 Ms. Sova said Support Services is flat and is down slightly.
5
6 Ms. Sova said the Fire Department is status quo. They are looking for some equipment
7 updates. There are some smaller items that don't meet the capital threshold.
8
9 Ms. Sova said in Fire Prevention the one small change is we have a part-time fire
10 inspector now and we are having trouble keeping up with fire inspections on our existing
11 buildings. We would like to take that to a full-time job and get back up to snuff and get
12 these fire inspections done. It is an important function.
13
14 Deputy Mayor Duryea asked if they had to have any special certification for the bigger
15 buildings.
16
17 Deputy Fire Chief Landreville said certification for commercial inspections and plans
18 review is a separate certification than fire. They check the alarm system and fire
19 protection system.
20
21 Ms. Sova said in Public Works Administration the only change is \$15,000 for legal fees.
22 We have a couple of contracts coming up that we need to pay attention to. We have
23 Siemens at ten years and the reclaimed agreement with Sanford that's 20 years old.
24 She didn't think that would continue but wanted to get in front of that and be prepared
25 for those negotiations.
26
27 Ms. Sova said Streets & Sidewalks budget is dropping slightly. We squeezed the
28 operating costs as best we could.
29
30 Ms. Sova said Parks & Recreation asked for another maintenance specialist and she
31 has not approved that position. She thought the police sergeant and somebody in IT
32 was a much greater need.
33
34 Deputy Mayor Duryea asked if there was a possibility to share a person with Public
35 Works.
36
37 Ms. Sova said Bruce's (Paster) folks do a lot of the mowing of the stormwater ponds
38 and right-of-way areas. They don't do City properties. We had a commitment to
39 maintain at SunRail and we added that to our contracted service. They do the
40 municipal complex as well so we have added to the contracts rather than hire a person.
41
42 Deputy Mayor Duryea asked if we could take some of the load off them somewhere
43 else.
44
45 Ms. Sova said some of the items in operating and facilities maintenance and some of
46 what we have in capital projects in the future is most of our buildings are ten years and

1 better, and we have been dealing the last couple of years with some deferred
2 maintenance costs. We just spent \$20,000 on the roof on this building. We had
3 deferred maintenance on lift stations and deferred maintenance at Station 33. As
4 buildings age things are starting to happen.

5
6 Deputy Mayor Duryea said he wasn't aware we were deferring maintenance.
7

8 Ms. Sova said we look at the Capital Projects five-year plan and a lot of stuff shows up
9 there now that hadn't been there before. It was always on the back burner but things
10 are coming within the five-year window now that hadn't been there. Sometimes the
11 budget would be tight and we would say we could make it another year. We had
12 problems with the fountain out front, the gazebo roof at Central Park and the gazebo
13 roof at the cemetery. There is a lot.

14
15 Mayor Meador said for salary and fringe you are talking \$38,000. It's the kind of thing
16 that rather than saying no it is something we might want to monitor as opposed to
17 saying no right now.

18
19 Deputy Mayor Duryea said that is the reason he mentioned half of a personnel so if it
20 came to it we could hire somebody part time or take somebody from another
21 department that is not so busy.

22
23 Ms. Sova said if we had to half probably our better deal would be splitting the facilities
24 maintenance as opposed to public works.

25
26 Deputy Mayor Duryea said let's see if we can make something happen even if it costs a
27 little bit.

28
29 Ms. Sova said we moved the annual operating cost of the museum from General
30 Administration to the Parks budget. It is just a relocation of that expense.

31
32 Ms. Sova said in Facilities Maintenance we have a new staff this year so total salaries
33 go down. We did hire people with some certifications and qualifications that are
34 panning out for us. We are looking at adding an incentive program for those guys for
35 their incentives and licenses that they brought to us that we didn't necessarily ask them
36 for. In facilities we are looking at a lot more money for operating supplies.

37
38 Ms. Sova said in the Events Center budget we moved one position, the Parks & Events
39 Center Coordinator. She thought it was more appropriately classified here.

40
41 Deputy Mayor Duryea asked if we operated that building as an enterprise fund.

42
43 Ms. Sova said we tend to look at how much we are taking in and how much we are
44 spending. She thought we were under recording what we were spending and was one
45 of the stand-out items. We had a full-time person working there showing the building
46 and doing bookings but we had her in the Parks budget.

1
2 Mayor Mealor said the projected revenues are \$520,000. He asked the projected
3 expenses across the board.
4
5 Ms. Sova said the budget is \$443,000 but there is probably about \$50,000 of building
6 maintenance costs missing.
7
8 Ms. Sova said the Community Center budget is the Recreation Chief Radley that we
9 always knew was going to be in the Community Center building. She recommended a
10 recreation assistant because that person should be there while we are doing the
11 revenue generating. We need a rec assistant to be in the building while we've got
12 events going on. That ought to be better than awash and recover the cost of that
13 person.
14
15 Deputy Mayor Duryea said there is the opportunity to use that person someplace else
16 but not necessarily cutting grass. There are times when the Community Center is not
17 being used.
18
19 Ms. Sova said then somebody won't be scheduled. This is an as-needed. It is part-time
20 and hourly. This person likely will work in other areas. We don't have them assigned to
21 specific areas. They work the whole thing.
22
23 Ms. Sova said in the Senior Center we continue to get along. It stays very busy and is a
24 lot happening there. We used to carry forward the donations from year to year to make
25 sure if anybody donated anything it got spent there in the building. This past year we
26 switched to the membership fee and the instructor is collecting for their classes. All we
27 planned for here is to expend the balance. That seems to be going well. We had one
28 disgruntled person about it but wasn't one of our residents.
29
30 Ms. Sova said the Tennis Center operations continue and that system seems to be
31 working out well.
32
33 Ms. Sova said the Police Second Dollar and Training Fund is \$2.00 per traffic citation
34 and the money is used for training. We have upped the training budget this year and
35 reduced the training for the General Fund. We just moved it around.
36
37 Ms. Sova said in Police Impact Fees with the new sergeant we will be buying a new
38 vehicle and equipment. There is also a new video server. We have a 2 terabyte server
39 and will jump up to 6 terabytes. There is a trailer for equipment for them to go to the
40 range.
41
42 Ms. Sova said in Fire Impact Fee Fund they have asked for an AeroClave portable
43 decontamination system and Fire Prevention would like a new fire extinguisher.
44
45 Ms. Sova said Public Works Impact Fees are not planning to spend anything.
46

1 Ms. Sova said in the Law Enforcement Trust Fund with the DARE Program, we are
2 coming to a point where the DARE Program is getting more expensive. It's got
3 exclusive rights and we have to buy all the materials from them and we can't get them
4 from anybody else. There is another program the sheriff and other cities are using that
5 is different than the DARE Program that also teaches about bullying and anti-bullying as
6 well as the anti-drugs. It is more broad-based so we are paying attention and are
7 looking at that program and considering it in the future. It wouldn't be proprietary and
8 will cost a little less.

9
10 Deputy Mayor Duryea asked if we could develop our own program.

11
12 Ms. Sova said within that one we can customize it to ourselves. Another thing we are
13 doing along with this is we are going to talk to Lake Mary Prep because they are
14 availing themselves to this program. We are getting to the point where we didn't drop it
15 and kept going but we can see our fund balance has a couple of years left. We are
16 looking at the alternatives and looking at Lake Mary Prep about contributing.

17
18 Deputy Mayor Duryea asked if we could develop a curriculum ourselves.

19
20 Chief Bracknell said he spoke to the City Manager concerning some ideas.

21
22 Ms. Sova said in Recreation Impact Fees they have asked for automation software for
23 their activity scheduling. They are in the process of implementing some software to run
24 the Events Center and would like to be able to expand programs and other activities
25 through that same software vendor once they get accustomed to using it. We have
26 carry-forward budget for Heritage Park. We are trying to get the bid together but it
27 keeps going back to be tuned up.

28
29 Ms. Sova said the cemetery is continued operating costs. It does have a capital outlay.
30 The gazebo needs to be replaced.

31
32 Ms. Sova said in the Debt Service Fund, we will transfer enough to pay off the Series
33 2007 bonds. That payment is due 1/1/16 but we have to have it funded to transfer the
34 money on the last day of the fiscal year. This is the last year of those bonds and is one
35 of the reasons she recommended going forward with some of our economic incentives
36 as this drops off at the same time the economic incentives climb on.

37
38 Deputy Mayor Duryea asked if we would be debt free.

39
40 Ms. Sova answered negatively. We have one bond issue left at under \$5 million for the
41 Events Center.

42
43 Ms. Sova said in the Capital Projects Fund, a lot of this money (\$1.1 million of the \$1.9
44 million) is carry-forward money. A big portion of that is the traffic signal at Palmetto.
45 There is also carry-forward monies for the signal proposed for Wilbur and Country Club
46 and some beautification along Country Club as well. The roundabout at Palmetto and

1 Greenleaf we are trying to wrap that into the Heritage Park bids and save a little money
2 by the quantity of work and reducing the disruption.
3
4 Deputy Mayor Duryea asked if we were talking about some sort of stamp or colored
5 asphalt. He said he mentioned that because this morning he was coming north on 17-92
6 by Casselberry City Hall and they did something in the road and it was all torn up and it
7 looks terrible. He said he didn't know what was budgeted for those pavement
8 improvements.
9
10 Ms. Sova asked Mr. Omana to talk about the design element in front of Station House.
11
12 Mr. Omana said the design feature is at grade and will consist of a colorized treatment.
13 It is a very durable type of material. In reference to one at Greenleaf, it was to also
14 make it an at-grade condition with the geometry and it would be a very durable type of
15 concrete.
16
17 Ms. Paster said it is eight inches of concrete and the concrete itself is colored in the mix
18 so there is nothing to wear off. It is very different than the overlay or stamp.
19
20 Mayor Meador said as long as we are on that intersection improvement and earlier we
21 talked about the \$185,000 for Heritage Park, he said he couldn't speak for the
22 Commission but would rather see us get all of those improvements in place online first
23 and then look at Heritage Park as part of the wrap-up. It may be when we see some of
24 these things coming online we might want to modify what we have in mind for Heritage
25 Park in terms of amenities or presentation.
26
27 Ms. Sova said that was fine.
28
29 Deputy Mayor Duryea said it was time for computers again. He asked if we were using
30 a network that is proprietary. He asked if we had a network server.
31
32 Ms. Sova said we have many servers. We have 27 servers with 11 of them physical
33 and 16 on virtual machines. We keep trying to replace those servers with virtual ones.
34 We have one of those servers that needs to come off line now. Our phone system and
35 financial system runs off a server. There are a lot of operating systems.
36
37 Commissioner Brender asked if the Community Center parking lot was the new one.
38
39 Ms. Sova answered affirmatively. That parking is much needed. For almost all the
40 events someone has to use the stair step park lots.
41
42 Deputy Mayor Duryea asked about the defibrillators needing to be replaced.
43
44 Deputy Fire Chief Landreville said defibrillator technology has changed.
45
46 Ms. Sova interjected they were nine years old.

1
2 Deputy Fire Chief Landreville said we have been staggering that cost as they reach
3 their age. Initially we had to change because the national medicine changed and we
4 now get a greater survival rate. With the new technology repairing it doesn't match.

5
6 Ms. Sova said there is \$23,220 for streetlighting additions at Evansdale.
7

8 Ms. Sova said for Central Park Improvements we have budgeted to begin to look the
9 upgrades we talked about. Right now we have a structural engineer looking to make
10 sure that design will work. It is \$1,800 and will take a good look with Bruce and
11 Danielle. She wanted to be sure before we go any further about what we are doing
12 there. She wanted them all to have a comfort level.
13

14 Ms. Sova said in Central Park Lighting we added an item so we can begin at the first of
15 the fiscal year to have some of our Christmas lights dance to music.
16

17 Ms. Sova said on Page 157 is the One-Cent Infrastructure Sales Tax Fund. We will be
18 getting just over \$400,000 next year. We are going to do the basic study for street
19 resurfacing to see which roadways need to be next. We saved so much money by
20 skipping a year and doing the bid that we were almost able to do another subdivision.
21 We are going to plan on doing that again and save up enough money to do a big project
22 and drive the price down.
23

24 Ms. Sova said in the Water & Sewer Fund, water sales might come down a bit. That
25 depends on the weather and the water.
26

27 Ms. Sova said we had an incident at the water plant over the weekend because of the
28 lightening but didn't lose any pressure. The interconnect stayed open and we got the
29 system back up on Monday. We have been working hard on an emergency plan. The
30 Water Treatment Plant budget is stable.
31

32 Ms. Sova said in Water Distribution Collection we are looking at vehicle rental for a new
33 Vac-Con in the amount of \$300,000 that was approved a few meetings ago. We
34 amortize over the life of the equipment to save up to buy the next piece and is why this
35 cost goes up so much for vehicle rental. We replace a 17-year-old piece of equipment
36 and the new one was much more expensive.
37

38 Ms. Sova said in Utility Billing the big change is automated meter reading equipment
39 needs to be replaced. For capital in the Water & Sewer Fund we need to put a canopy
40 over the emergency generator. The water treatment plant component is always in need
41 of upgrades and staying up to speed. Commercial meter testing and repair is for large
42 meters to make sure they are functioning properly. Lift station maintenance and
43 replacement we will hopefully do okay with those and not have to replace as many. We
44 have 16. We have gone to a program where every year each one gets looked at to
45 make sure they are in good working order.
46

1 Deputy Mayor Duryea asked how they knew when they were not functioning.
2
3 Mr. Paster said we have a SCADA system that gives alarms.
4
5 Ms. Sova said in the Stormwater Utility Fund we have had another year of the
6 stormwater fee of \$4.00 and we expect revenues to stay flat. The NDPES permit is
7 going to be requiring a lot of additional drainage maintenance in the amount of \$85,000
8 next year. We felt like there was some stress in this fund and we now have an
9 unfunded mandate of \$85,000 for drainage maintenance that we weren't planning on.
10
11 Deputy Mayor Duryea said we talked about doing a fee study for that.
12
13 Ms. Sova said we did do it and presented it. We presented increasing \$1.00 a year
14 over a three-year period but what we got was \$1.00. The long-term picture is the funds
15 are short.
16
17 Mayor Mealor said the City Manager is negotiating with a new franchise hauler. When
18 they come online there will be a different type of billing. When we approach that
19 timeline is that something that needs to come back to us.
20
21 Ms. Sova said she was hoping to share with the citizens a little of the reduced cost
22 switching franchise haulers. The residential bill right now is \$18.22 and was looking at
23 taking it to a flat \$18.00 and we can hold our franchise revenues and do that. She is still
24 negotiating with the hauler for commercial and there is a lot of work left to be done. We
25 would need to reduce the bill 22 cents for the residents and then add another dollar or
26 50 cents a couple of years in a row. This additional requirement is going to leave us
27 short. We charge about half the amount for stormwater fees as the other cities. All the
28 other cities are \$7.00 to \$8.00 and we just got to \$4.00. Our fee was \$3.00 for 21 years.
29
30 Ms. Sova said the Vehicle Maintenance Fund is how we repair our vehicles and
31 amortize the cost of new vehicles coming online so we can save enough to buy what we
32 need to buy. The vehicle list is on Page 202. We are replacing the 1997 dump truck
33 and the lift needs to be replaced. The big number is the International Rescue of
34 \$220,000. We plan to continue with the Ford Explorer Interceptors.
35
36 Ms. Sova on Page 209 is the five-year projections. There is a summary sheet for the
37 General Fund which starts to tell the tale on where we are and what we expect. We are
38 thinking that in 2016 we know we will get the Verizon ad valorem taxes which will be
39 over \$200,000. We will get part in 2016 and the rest will go into 2017. She didn't think
40 the apartments would be finished by January 1st but that will be over \$100,000 a year.
41 Some of our big projects will start to come in in 2016 that aren't here today. We show
42 there is some pressure on the millage rate for a couple of years and looks like it can
43 slow down. There is probably a way to smooth that and we will work hard on that. Our
44 reserves are still strong. We have talked for years about making sure there is at least
45 \$10 million and our fund balance policy is 25% which is about \$4.5 million. We still

1 have plenty of coverage and plenty of ways to do this. We have always been careful
2 and will stay careful.
3
4 Deputy Mayor Duryea asked if it was possible to look forward more in the sense that if
5 we think in the next five years we will be back to where we were, he asked if they could
6 average that out so we don't have the big spike.
7
8 Ms. Sova said there has got to be a way to smooth this and think we can.
9
10 Deputy Mayor Duryea asked the rolled back rate. Ms. Sova said 3.4747.
11
12 Deputy Mayor Duryea said the newspaper is going tell us we have a tax increase.
13
14 Ms. Sova answered affirmatively. We are not going back to the rolled-back rate but will
15 keep the rate the same but the law says that is an increase. We will have the slide later
16 that shows we are 1.2 mills below the other cities.
17
18 Deputy Mayor Duryea said it is a good time to try to get some of those properties on our
19 road in the Heathrow Business Center.
20
21 Commissioner Brender said he thought they should be more aggressive on some of
22 this. He talked with some business leaders out there. This may be something for Tom
23 (Tomerlin) to work on. We should be exploring some annexation possibilities along that
24 area.
25
26 Mayor Mealor asked if they needed an additional meeting to go over this document.
27
28 Deputy Mayor Duryea said unless something comes up he didn't see the need for it.
29
30 Ms. Sova said she didn't see any need. She would apprise the Commission at adoption
31 time in September of any major changes.
32
33 Mayor Mealor said what he appreciated about this document is 60-70% is going
34 towards salaries. We are paying people to work; however, what he appreciate is the
35 way the work was delivered by our team. It is almost given back as a gift. We talk
36 about the beauty of Central Park during the holiday season, look at our grounds and
37 some of the feedback we have received nationally, and look at something as local as
38 the *Sanford Herald* and the woman who wrote what we have done out here. What has
39 happened is we were willing to do different things. We did them with a vision in mind.
40 He said he was encouraged moving forward with this because of what we are doing and
41 how we are doing it. He commended the City Manager and staff for bringing this type of
42 document to us. It makes our job easier.
43
44 There being no further business, the work session adjourned at 6:32 P.M.
45

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held July 17, 2014,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake
3 Mary, Florida.

4
5
6 1. Call to Order
7

8 The meeting was called to order by Mayor David Mealor at 7:10 P.M.
9

10 2. Moment of Silence
11

12 3. Pledge of Allegiance
13

14 4. Roll Call
15

16 Mayor David Mealor
17 Commissioner Gary Brender
18 Deputy Mayor George Duryea
19 Commissioner Thom Greene
20 Commissioner Jo Ann Lucarelli
21

Jackie Sova, City Manager
Carol Foster, City Clerk
Dianne Holloway, Finance Director
John Omana, Community Dev. Dir.
Gary Schindler, City Planner
Steve Noto, Senior Planner
Tom Tomerlin, Economic Dev. Mgr.
Bruce Paster, Public Works Director
Bryan Nipe, Parks & Recreation Dir.
Wanda Broadway, HR Manager
Joe Landreville, Deputy Fire Chief
Steve Bracknell, Police Chief
Colin Morgan, Deputy Police Chief
Mike Biles, Police Lieutenant
Katie Reischmann, City Attorney
Mary Campbell, Deputy City Clerk
22
23
24
25
26
27
28
29
30
31
32

33 5. Approval of Minutes: June 19, 2014
34

35 **Motion was made by Commissioner Brender to approve the minutes of the June**
36 **19, 2014, meeting, seconded by Commissioner Lucarelli and motion carried**
37 **unanimously.**
38

39 6. Special Presentations
40

41 There were no special presentations at this time.
42

43 7. Citizen Participation
44

45 No one came forward at this time and citizen participation was closed.
46

1 8. Unfinished Business

- 2
3 A. Ordinance No. 1510 – Rezone property at 128 West Wilbur Avenue from C-1,
4 General Commercial and R-1A, Residential to DC, Downtown Centre; Pastor
5 Terry D. Baum, No Limits Church, applicant – Second Reading (Public
6 Hearing) (Steve Noto, Senior Planner)
7

8 The City Attorney read Ordinance No. 1510 by title only on second reading.

9
10 Mr. Noto stated staff had no additional comments.

11
12 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1510. No
13 one came forward and the public hearing was closed.
14

15 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1510 on**
16 **second reading, seconded by Commissioner Greene and motion carried by roll-**
17 **call vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes;**
18 **Commissioner Greene, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**
19

20 9. New Business

- 21
22 A. Memorandum of Understanding for Use of Facilities in an Emergency (Jackie
23 Sova, City Manager)
24

25 Ms. Sova said the attached Memorandum of Understanding between Seminole County
26 and the cities solidifies the agreement to use each other's commission chambers during
27 times of emergency. This will allow each entity to quickly and effectively move elected
28 officials or committees from city hall to another city hall or the County Commission
29 Chambers in the event of a disaster. She noted Allen Harris, Seminole County
30 Emergency Manager, was present if there were any questions. He is very involved with
31 all the cities with the County's emergency management program.
32

33 **Motion was made by Commissioner Brender to authorize the Mayor to execute**
34 **the Memorandum of Understanding of Use of Facilities in an Emergency,**
35 **seconded by Commissioner Lucarelli and motion carried unanimously.**
36

- 37 B. Ordinance No. 1511 - Rezone property at 3112 W. Lake Mary Boulevard from
38 RCE (Rural Country Estates) to PO (Professional Office); Linn
39 Engineering/Chad Linn, applicant - First Reading (Public Hearing) (Gary
40 Schindler, City Planner)
41

42 The City Attorney read Ordinance No. 1511 by title only on first reading.

43
44 Mr. Schindler said one of the major issues related to development of this property has
45 been the potential impact upon Seminole Avenue. Staff has been very up front and
46 forthright with the applicant to say that there would be no access from Seminole Avenue

1 and there will be a partial opening of the Ninth Street right-of-way but it will not go to
2 Seminole Avenue. It would only go far enough north to allow the applicant to have
3 access into his property from Ninth Street so we could eliminate a driveway cut on Lake
4 Mary Boulevard. There will be access to the professional offices to the east so that his
5 clients can have access to the traffic signal.
6

7 Mr. Schindler said this property is 1.08 acres with an office land use and RCE zoning.
8 The PO zoning district is compatible with the office land use. We have the criteria that
9 we must consider when we make a recommendation regarding rezonings. The
10 Findings of Fact A through D are determined to support the requested rezoning of the
11 subject property from RCE, Rural Country Estates, to PO, Professional Office by
12 establishing consistency and compatibility.
13

14 Mr. Schindler said at their regular June 10, 2014, meeting, the P&Z voted 4 – 0 to
15 recommend approval of the requested zoning.
16

17 Commissioner Greene asked if the Ninth Street right-of-way was cleared.
18

19 Mr. Schindler answered negatively. It is a natural state and is heavily treed. Between
20 Seminole Avenue and Lake Mary Boulevard it is in a natural state. From Seminole
21 Avenue north it is open. They will be opening only the southern 50 feet or so of the
22 right-of-way. They will open only enough to access the driveway into their property. We
23 are reviewing the site plan and they are doing a fine job of complying with the direction
24 that staff has given them. There is a minimal impact on the neighborhoods north of
25 Seminole Avenue.
26

27 Commissioner Brender asked how much of a building was going in there.
28

29 Mr. Schindler said about 4,400 S.F. and it will be one story.
30

31 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1511. No
32 one came forward and the public hearing was closed.
33

34 **Motion was made by Commissioner Brender to approve Ordinance No. 1511 on**
35 **first reading, seconded by Commissioner Lucarelli and motion carried by roll-call**
36 **vote: Deputy Mayor Duryea, Yes; Commissioner Greene, Yes; Commissioner**
37 **Lucarelli, Yes; Commissioner Brender, Yes; Mayor Mealor, Yes.**
38

39 Mayor Mealor commended the applicant and staff. This was a very contentious issue
40 when we started dealing with this type of property request. There were commitments
41 made to those residents who have been here a long time and we sometimes lose sight
42 of that. This is a perfect example of how we have honored a previous commitment and
43 he commended Mr. Schindler and his team.
44

1 Mr. Schindler said there were a number of area residents at the P&Z meeting but they
2 are not here tonight. He thought they did a good job of assuring them of the minimal
3 impact upon their neighborhood.

4
5 Mayor Meador said we would deal with Items C and D simultaneously and will vote on
6 them separately.

7
8 C. Request for Site Plan with Variances approval for 7-Eleven, 4955 County Road
9 46A; Interplan, LLC, /Stuart Anderson or Heather Johnston, applicant (Public
10 Hearing) (Steve Noto, Senior Planner)

11
12 Mr. Omana said this site was challenging. There were topography issues involved
13 bounded by roadways on both the north/south and technically the east side, triple
14 frontage, small size acreage, topography going from west to east, and this was a multi-
15 jurisdictional project. It involved us and the City of Sanford. It also involved Seminole
16 County since they are in charge of the roadway that abuts the project. We had a lot of
17 coordination with DRC at both Sanford and our staff. We had a lot of discussion with
18 the development team on issues we felt were important and needed to be addressed.

19
20 Mr. Noto said we usually don't use PowerPoint to present a project but this item was so
21 unique he felt it was a good idea to keep the discussion on track and make sure we
22 cover everything involved in this project.

23
24 Mr. Noto said it is just over an acre. They are proposing to construct a 3,100 S.F.
25 convenience store with gas canopy (7-Eleven). In 2009 the site was rezoned not only in
26 Lake Mary's portion but Sanford as well with the intention of building a gas station.
27 They did a PUD on the City of Sanford side. The site on our end was not large enough
28 and had to do straight zoning of C-2. There was the developer's agreement that was
29 entered into that further regulated the uses, signage, and some information about a
30 voluntary contribution to the parks and open space fund.

31
32 Mr. Noto showed an aerial of the property on the overhead. The yellow triangle is the
33 piece we will be talking about for Lake Mary. In the developer's agreement the entire
34 project stretched over to the west. The 7-Eleven is just to the edge of the island.

35
36 Commissioner Brender asked what was to the west.

37
38 Mr. Noto said to the west on the southern portion is wetlands, 100-year flood area, and
39 some goats. He pointed to the area where most of the goats are located. This partial is
40 pretty much not developable and will talk about the challenges that this piece brought
41 upon the project as it relates to landscaping and other items.

42
43 Mr. Noto showed the site plan. First and foremost is jurisdiction. Our portion is on the
44 south. The convenience store is all within the City of Sanford. One specific item we
45 didn't have review of was parking. The convenience store is all within the City of
46 Sanford so Sanford's Land Development Code has jurisdiction on the number of parking

1 spaces. We have jurisdiction over the dumpster and the stormwater. We reviewed the
2 parking within our portion but the total number of spaces is left to the City of Sanford.
3

4 Mr. Noto said access to the site is very important. The site has triple frontage, County
5 Road 46A, the U-turn area, and how are folks going to drive into the site. He pointed
6 out the access points. The applicant will be adding turn lanes to get into the site and
7 that's going eastbound and westbound. There is a turn lane existing and they will be
8 extending that to the west and to the east based on discussions with Seminole County.
9 It will start to the west and you will utilize it to get into the subject property. There is the
10 existing turn lane that will continue to exist. There will be the new turn lane on the
11 northern side to get you into the northern portion of the project area.
12

13 Mr. Noto said we have the new crosswalks ten feet wide and they will not be the zebra
14 striped crosswalks. He showed the signage proposed as part of the crosswalk areas.
15 We know the statistics with Orlando being low ranked as far as pedestrian safety goes;
16 therefore, the applicant coordinated very closely with Seminole County in designing not
17 only the location of the crosswalks but the type of signage that will be installed as part of
18 those crosswalks. The crosswalks signage will be located two on the south side, one
19 on the north side, and another in the City of Sanford. Before that in both directions you
20 will have the green sign "Pedestrian Ahead" just after the curb cut that you would take to
21 get into Bell Timacuan. There is another one just to the east of the existing curb cut to
22 get into the subject property that is in the City of Sanford, the purpose being to let the
23 drivers know there is a pedestrian crossing ahead. The areas traversed we have noted
24 primarily by folks going to the trail on Rinehart Road so we wanted to be sure they had
25 some sort of access point to get onto the site if they so desired. The crosswalk will be
26 designed and constructed as such. It is similar to the crosswalk design that exists on
27 North Country Club in the City of Sanford by the golf course with that patterned brick
28 look. This was coordinated via Seminole County. They wanted to see something that
29 popped more than your typical crosswalk so folks would pay more attention to the area
30 where folks would be potentially crossing 46A. It would be a ten-foot wide crosswalk
31 area.
32

33 Mr. Noto said there is one variance proposed as part of the site not having to do with
34 landscaping and that is the retaining wall to the west of the property. There are some
35 challenges with the adjacent property slopes—wetland areas, 100-year flood areas.
36 The wall needs to be designed in this manner for the site to work. It is not just the area
37 to the west but is the whole site. This is all outlined on Pages 3 to 5 of the staff report
38 really reliant on unique geometry, unique topography, unique environmental
39 characteristics of the existing site, and adjacent properties.
40

41 Mr. Noto said landscaping. The challenging part of this project is you see a lot of
42 pavement. Folks need to be able to drive around the site but we need some sort of
43 buffer. There are variances related to the landscaping; however, we are pretty satisfied
44 with what they did with the amount of space they had. There is existing vegetation to
45 the west of the site that will not be touched as part of development of this project. They
46 will be adding landscaping adjacent to the retention pond. The southwest corner of the

1 subject site and the adjacent property is going to be heavily wooded and very well
2 landscaped. The southern buffer will be a combination of live oaks and magnolias. The
3 palm trees that were put pre-palm tree moratorium will be buffering the eastern edge of
4 the subject property area stretching into the City of Sanford making a nice entry point as
5 you are coming westbound from the City of Sanford and other parts of the County.
6 Weeping hollies is the understory trees and a continuous hedge. On the western buffer
7 are more magnolia trees, cypress, hollies and continuous hedge. They needed
8 variances for the landscaping not only for the width of the buffers but the total number of
9 trees. There is not a lot of room to plant all of the required trees but we think they did a
10 good job working with the space that they had.

11
12 Mr. Noto said the southern buffer also required a wall. If you hardly have any room to
13 plant your trees and understory you are not going to have any room to build your wall
14 either so that was part of the variance request. The variance criteria for landscaping are
15 much different than site design and site layout. This relies again on unique site
16 topography, geometry and all the unique items that Mr. Omana touched upon at the
17 beginning of the presentation fell in as part of this variance request. The same with the
18 western buffer. They had a little more room to work with and the buffer request is only
19 five feet compared to the southern which was closer to 15 or 20 feet. A variance of one
20 tree and then the variance with the wall but they are providing that retaining wall and the
21 unique characteristics of the topography and environmental characteristics of the
22 western property come into play.

23
24 Mr. Noto said the signage is moving into Item D. One of the key parts of the
25 developer's agreement was that the entire project area, including the portion of the
26 project that is not part of the 7-Eleven project, was to be in compliance with the City of
27 Lake Mary sign code. When 7-Eleven came to us and said we really could use two
28 signs, at first we relied on the developer's agreement which says one sign. The closer
29 we looked at it and the closer we worked with Sanford, the County, public safety, and
30 the applicant it became apparent that two signs would be more appropriate. The red
31 circle on the PowerPoint show where the signs would go. As part of working with the
32 applicant we said let's make sure these are nice looking signs, low profile, they match
33 the architecture of the building and we think we accomplished what we were looking for.
34 The developer's agreement is going to be amended saying you can have two
35 monument signs—one on the Lake Mary side and one on the Sanford side—4-1/2 feet
36 tall give or take, no electronic signage, no moving LED. They can have LED bulbs
37 which is the standard technology and is why we have a mess on the overhead. The
38 previous language was easier but the P&Z pointed out that we should tweak it because
39 it said no LED signs. That could be construed to mean LED bulbs. This is exactly from
40 the Code the types of signs that are not permitted and still allowing for two monument
41 signs. He showed the concept drawing of what the sign will look like. They will be
42 about 4-1/2 feet tall, stone on the bottom and on the back and front will have plantings
43 to spruce it up, manual change of pricing and the 7-Eleven logo.

44

1 Mr. Noto showed the building elevations. We worked closely with the City of Sanford
2 and the applicant. We went through several iterations and landed on the design with
3 the stone look, not only on the front and side but the rear as well.

4
5 Mr. Noto said the P&Z heard both items at their June 24, 2014, meeting and
6 recommended approval of the site plan with three conditions. The first two were per
7 staff and they added the third condition having to do with the type of pedestrian safety
8 signage that would be installed at the crosswalk areas. He said he would add a fourth
9 condition that came up today having to do with the site lighting. We received a different
10 lighting plan today and there were some issues with the photometrics on the southern
11 side so our condition will be that at time of site construction permit that the photometric
12 plan be addressed that at no point along the property lines will the foot candle reading
13 levels exceed .5 per Code.

14
15 Mr. Noto said 2014-DEV-01 that was the developer's agreement amendment, P&Z
16 recommended approval unanimously 5 to 0 with the one condition that we revisit the
17 LED language which we did. If the Commission wants to approve the developer's
18 agreement, you can remove that condition if you wish as we have addressed that
19 already.

20
21 Mr. Noto said staff is recommending approval of the variances and the site plan. Our
22 recommendation is the first two conditions including the photometric item and we are
23 also recommending approval of the developer's agreement. He noted the applicant was
24 present.

25
26 Deputy Mayor Duryea asked the City Attorney what he could discuss since this is a dual
27 property. He asked if he could discuss only the variance items or anything about the
28 site plan on our side.

29
30 Ms. Reischmann said you can discuss anything about the site plan on our side and add
31 any reasonable conditions.

32
33 Commissioner Greene said he was confused about the pedestrian walkway. He asked
34 if it was the recommendation of staff that the pedestrian walkway be similar to the one
35 on International Parkway from the Westin Hotel to Publix.

36
37 Mr. Noto said our recommendation is as designed, however, Chief Bracknell can add
38 additional information regarding the signage that will be installed.

39
40 Commissioner Greene asked if you intend for pedestrians to walk from one side of 46 to
41 the 7-Eleven.

42
43 Mr. Noto said we expect that to happen.

44
45 Commissioner Greene said if you expect that to happen and you only have a sign there
46 it's not going to happen. This is Florida and people do not stop in pedestrian walkways

1 unless it has a light or a sign stuck there that says Florida Statute requires you to stop if
2 there is someone in the crosswalk, otherwise they are not going to stop. It is a waste of
3 the applicant's time and money to put in a crosswalk if you are not going to have the
4 signage for people to stop for the pedestrians. If you expect people to walk across it
5 needs to be done properly.
6

7 Chief Bracknell said he was present at the P&Z meeting when this item was discussed
8 and they asked for his thoughts. He said he was not a trained traffic engineer although
9 he traveled the area often. The grade of the road that comes up and down, the 7-
10 Eleven is going to build a big, bright monolith and knew they would be successful and is
11 why they chose this location. It is going to attract a lot of folks. His thought process is
12 we need some enhanced crossing to keep those kids safe for crossing that road. We
13 have several home developments there, we have the apartments across the street, and
14 all the development happening in Sanford. There was concern on his part of the limited
15 amount of signage. They indicated there is not enough information to merit putting in a
16 flashing sign. It is a goat farm and there are not a lot of folks going over there.
17

18 Mayor Mealor asked who is "they" that said there is not enough information.
19

20 Mr. Noto said he spoke with Bret Blackadar with the County numerous times about this
21 issue post P&Z. The No. 1 thing we talked about was their rectangular, rapid flashing
22 beacons which are at the Westin Hotel between the Westin and the Town Center. He
23 said that is in the median and on the sidewalk. Right now there are no standards to
24 measure access points as to whether or not they should have these beacons. There is
25 no ITE standard to predict pedestrian traffic like there is for vehicular traffic. In talking
26 with Mr. Blackadar, his thoughts were while this is unique it is different from the Westin
27 in that the Westin intersection is an activity center. It is the Town Center, the hotel and
28 you have a lot of folks going back and forth and then you have the trail and the lower
29 speed limit road. His thought process was they are appropriate there but are not
30 appropriate here because while the pedestrian traffic will increase it will likely not be as
31 heavy as the activity center. The speed of the road is higher, and because of the curve
32 and the unknown pedestrian traffic, his thoughts were if one or two folks used the
33 beacon per hour it will give a false sense of security to the pedestrian and it would make
34 the drivers complacent. The reason he said the drivers complacent part is that they
35 wouldn't see the lights being used enough so if they were used they wouldn't know what
36 to do or they would just ignore them. This is based on his discussion with Mr.
37 Blackadar. Ultimately when a pedestrian is in a crosswalk, you have to stop flashing
38 beacons or not. He said Mr. Blackadar's suggestions were if the Commission wished to
39 look at this closer, either before or after it opened let it be built, let it open, let the
40 pedestrian counts happen and either condition it and require the applicant to do counts
41 after they open or he said he could commit to using a portion of the one-cent sales tax
42 to study this area to see if additional improvements needed to made. This is what Mr.
43 Blackadar's staff came up with as far as the location of the crosswalks. Mr. Noto said
44 originally the southern crosswalk was further to the west. After discussing it further with
45 Mr. Blackadar and his staff, the applicant moved the crosswalk to the east and added
46 the additional signage seen on the plan tonight.

1
2 Commissioner Greene said if you are going to build a crosswalk then you need to do it
3 correctly. If you are not going to do it correctly, don't put a crosswalk in there and don't
4 induce people to walk across a two-lane road to go to a 7-Eleven with people coming
5 around the corner at 45 MPH.

6
7 Mayor Mealor said when they crest right there they are not doing 45 MPH. They are
8 doing a lot more because he goes there and happens to be monitoring since this item
9 came up. He said he looks at his speedometer and he is going with the flow of traffic
10 and was not doing 45.

11
12 Commissioner Greene said to do it right or don't do it at all.

13
14 Mayor Mealor said we were not speaking against the project. We have an unfortunate
15 history of that same neighborhood where we lost young people.

16
17 Commissioner Lucarelli said she was in total agreement with what Commissioner
18 Greene and Mayor Mealor are saying. She goes to 7-Eleven every day on her way to
19 work where she gets coffee and every one of them is hustling and bustling. When
20 school starts and the bus drivers find that you will have buses parked there, landscaping
21 vehicles, it's crazy. She agreed either build the crosswalk right before somebody dies
22 or don't do it at all. She was not against the project but felt strongly it needs to be a
23 properly and safely done crosswalk or not at all.

24
25 Deputy Mayor Duryea said as all of us have frequented that "S" curve, if somebody
26 were to come out that south entrance to make a left-hand turn it is going to be a
27 disaster.

28
29 Chief Bracknell said we discussed that at P&Z. You have that turn lane that turns in
30 and can be utilized as an accel lane also. That was a concern to the P&Z because they
31 would have an accel lane.

32
33 Deputy Mayor Duryea said he would feel more comfortable if it were a left-in only. The
34 other thing that bothered him is coming the other direction you have a stretch of 45 to
35 50 MPH cars coming and then going down and out and up. If somebody loses control
36 on that curve, we have gas/diesel pumps and people in cars. He was not sure that was
37 the right place.

38
39 Chief Bracknell said that is going to be on the Sanford side of the complex. They are
40 having a turn lane in. He said he couldn't comment to it. Traffic goes through there
41 quickly. Our guys sit at that point quite often and issue citations for speeding.

42
43 Deputy Mayor Duryea asked if it would be safer if it were a left in on the south entrance.
44

1 Chief Bracknell said that would cause a hardship because now the folks who have
2 patronized the 7-Eleven and wanted to continue into Sanford would not be able to do
3 that.

4
5 Mayor Mealor interjected that then there would be a cut-through at the funeral home.
6

7 Commissioner Brender said he would agree with the crosswalk component that they
8 have talked about but he was not in favor of the project. He thought this was fitting the
9 proverbial four pounds of peanut butter in a three-pound jar. He asked the number of
10 pumps.

11
12 Mr. Noto answered six pumps.
13

14 Commissioner Brender said that probably means we will end up with people waiting in
15 line for pumps. We are already using the City of Sanford's relatively minimal parking
16 requirements because we are stuck with it. He was uncomfortable with the size and
17 location of the project. It looks like a great place for a 7-Eleven but his concern is it
18 might end up being too good of a place for a 7-Eleven because we are on a 45-50 MPH
19 roadway. We are going to have bright lights. He was waiting to see the first person
20 that's going to come straight into the bullnose at the end. He thought we were trying to
21 fit way too much in here. He was concerned with knowing how 7-Elevens draw in
22 people. The problem is trying to fit this into that piece of land knowing that you are
23 going to get that kind of traffic through it. He had reservations about it. The problem is
24 we control the dumpster and retention pond. He would be happier if they moved the
25 building a bit so we would have more control of what is going in there. He said he was
26 uncomfortable with this as it is.
27

28 Commissioner Brender said on the crosswalks he agreed with what Commissioners
29 Greene and Lucarelli said that you don't build this part way, wait for somebody to die
30 and then go ahead and finish it up. The other side of that equation is we are going to be
31 stopping traffic so pedestrians can cross. His problem is we are stopping traffic. The
32 traffic counts are heavy. He could picture people walking from the apartments at 7 or 8
33 in the morning going to 7-Eleven and we are shutting down 25,000 cars so that ten
34 people can cross. He was not sure he was willing to do that. That is impeding traffic
35 too much.
36

37 Deputy Mayor Duryea asked the slope and depth of the pond closest to the parking
38 area.
39

40 Mr. Noto said that question could be best answered by the applicant's engineer.
41

42 Stuart Anderson of Interplan, LLC, came forward. He stated he was the engineer of
43 record for this project representing 7-Eleven. The address is 604 Courtland Avenue,
44 Suite 100, Orlando, Florida 32804. The pond is approximately four feet below the
45 parking lot. We have a 4:1 slope down to the pond. We also have a buffer between the
46 parking area and the pond. Behind the wall it drops off and we have a maximum four-

1 foot high retaining wall on the rear side. We slope back up to the wall and then you
2 have the wall down to the existing grade that drops off into the flood zone.

3
4 Deputy Mayor Duryea asked how deep that area on the east side of the retention pond
5 was.

6
7 Mr. Anderson said around the edge of the dumpster it is almost 4-1/2 feet and it drops.
8 Each contour line represents one foot of fall and they are four feet between them so we
9 are coming down at a 4:1 slope to the bottom of the pond, the circle in the middle and
10 then it slopes back up to the thick line. At the back on the left side is the retaining wall.

11
12 Deputy Mayor Duryea asked what they were doing to protect people from inadvertently
13 walking into a hole. He asked our slope qualifications.

14
15 Mr. Omana said the 3:1 slope under our code would require a type of fencing or railing.

16
17 Deputy Mayor Duryea asked if he could ask them to do that with a 4:1 slope.

18
19 Mr. Omana said you have the ability to do that. Their codes are minimal standards and
20 you can go above minimum standards.

21
22 Commissioner Greene said he thought the comments Commissioner Brender made
23 were well taken. He asked if it was the intent of the City to encourage pedestrians to
24 walk across 46A knowing the traffic has to stop for them under the law.

25
26 Mr. Omana said we had this very serious discussion at the DRC level. If we don't make
27 them put in a crosswalk and a pedestrian walks across and gets hurt or killed then he
28 would be thinking we should have put in a crosswalk. It was either you do it or you don't
29 do it.

30
31 Commissioner Brender said a crosswalk is not going to save them and that's the
32 problem.

33
34 Mr. Omana said when we went to Sanford at the very outset, he and Mr. Noto were
35 vocal on the issue of people are going to cross there and you have to protect them
36 somewhere. That is when we started with the crosswalk scenario and had them
37 coordinate with the County. This facility is going to attract people either from the north
38 side or the south side. We have to try to get them there in the safest manner as
39 possible. That was our line of thinking.

40
41 Commissioner Greene said Commissioner Brender's point is well taken. He asked if we
42 were in a position to stop traffic on 46A at rush hour to allow pedestrians to cross that
43 road. He said that is the question he needed to hear from staff that that is what they
44 intend and are okay with that. If staff thinks the traffic situation is going to be okay then
45 he was all for it; otherwise we need to put no crossing for humans, no crossing for sand
46 hill cranes, and no crossing for anybody to cross there.

1
2 Mr. Omana said understood. Procedurally what we did is work closely with Mr.
3 Blackadar and citing our safety concerns, we asked Mr. Blackadar how we do this and
4 how do we get people not hurt here and done correctly. They came back with that
5 design. Do we as the City have the ability to stop traffic on 46A? Our opinion is no. It
6 is not our roadway. We as traffic engineers cannot do that. It boils down to the issue of
7 the County. Yes, the County uses minimum standards. You as a commission can
8 opine that given circumstances it is time to go above the minimum standards. You have
9 that ability.

10
11 Deputy Mayor Duryea said on the stormwater pollution prevention plan, on the south
12 side you have a retention pond which looks like it is four feet deep as the engineer said.
13 Then there is a device going off parallel to the road with those squares. He asked what
14 that was.

15
16 Mr. Omana said they are stormwater chambers (underdrains).

17
18 Mr. Anderson said the pond itself is not large enough to hold the required stormwater
19 volume we need for the site so we proposed underground chambers. They are like
20 domes that go underground that fill up with water and percolate into the ground.

21
22 Deputy Mayor Duryea asked Mr. Anderson if he knew whether the ground would do that
23 or not.

24
25 Mr. Anderson said the water table is eight feet down in this area. It drops off severely to
26 the west. In that area underneath where the chambers are the geotechnical engineer
27 has done some boring investigation and determined the seasonal high water table is
28 approximately eight feet below grade. These chambers have about two feet of cover
29 and are about two feet in depth. We have at least three feet between the bottom of the
30 system and the water table so we run our numbers and it will percolate into the ground.
31 We are not concerned about it holding water.

32
33 Deputy Mayor Duryea asked is it possible the water could percolate towards the
34 retention pond since the ground is sloped in that direction and the water would percolate
35 towards the retention pond.

36
37 Mr. Anderson said the way the system works is only inlets collect the water and tie into
38 the pond, at least on the southern half. There is one inlet in the trench drain on the
39 northern half that ties into the small chamber system at the top. The rest of the inlets all
40 connect to the pond first. As the pond fills up it then backs up into the bank of
41 chambers on the southern side. All the water goes into the pond first and as the pond
42 fills up they fill up together. The water goes into the pond, the first flush gets cleaned in
43 the pond before it backs up into the chambers. It all percolates into the ground. There
44 is no outfall to the system. That is one of the reasons we need the additional storage. It
45 is a closed basin and there is no stormwater system for this to discharge to. It is all self-
46 contained.

1
2 Deputy Mayor Duryea said so it is not going to run off into the wetlands.
3
4 Mr. Anderson answered negatively.
5
6 Mayor Meador asked if anyone wanted to speak in reference to the request for site plan
7 with variances for 7-Eleven and/or the request for an amendment to the developer's
8 agreement related to signage. No one came forward and the public hearings were
9 closed.
10
11 Mayor Meador asked the Commission to keep in mind that we are discussing these
12 items simultaneously but will vote on them separately.
13
14 Commissioner Brender said his concerns are traffic and pedestrian safety. He asked if
15 he could say no because none of that traffic is going to be on the Lake Mary sliver. He
16 asked if he could say he was concerned about traffic safety.
17
18 Ms. Reischmann said the City has the ability to add conditions to this site plan approval
19 that are reasonable. Just because the City doesn't have the actual building in its
20 jurisdiction doesn't limit the City to only conditions related to the retention pond and the
21 dumpster.
22
23 Commissioner Brender said he remained uncomfortable with pedestrian access with
24 this thing. He thought it would draw pedestrian access. We don't even know what's
25 going to be on the northern side. His last conversation with somebody in Sanford was
26 there are additional apartments planned for that area directly to the north.
27
28 Mr. Noto said that is our understanding--to the northwest.
29
30 Commissioner Brender said Mr. Blackadar was saying this is not an activity center. You
31 put 10,000 people around this area and I am going to call it an activity center. He said
32 he was uncomfortable with pedestrian access and uncomfortable that it would be too
33 successful which means we will end up with traffic problems, traffic impediments, lines
34 at the pumps, lines to get coffee, and was not sure this is the right site for it. Hopefully
35 he could say no on that basis.
36
37 Deputy Mayor Duryea said someone at P&Z brought up the fact that it is a law in Florida
38 that if someone is standing in the crosswalk you have to stop. He asked if that was
39 true.
40
41 Ms. Reischmann said that was her understanding.
42
43 Mayor Meador said that is consistent behavior at New Smyrna Beach on South Atlantic
44 Boulevard.
45

1 Commissioner Greene said Mr. Omana brought up the scenario that if someone was
2 walking down the sidewalk and we didn't build a crosswalk, they run across the street
3 and get run over, the City gets sued for not putting in a crosswalk. He asked if they
4 could erect a sign that said "Do Not Cross" or "Pedestrians Prohibited" or something like
5 that to prevent liability. He said he didn't see a situation where we could put in a
6 crosswalk and signs and make people stop. It's not going to happen and is going to
7 create a traffic nightmare. Knowing that is not going to work he asked if we could
8 protect ourselves somehow by preventing people from walking from the Lake Mary side
9 to the 7-Eleven.

10
11 Ms. Reischmann said fundamentally it is not our road so we don't have the liability but
12 obviously we always get sued and we would be added on there. You have the
13 complicated case law about planning level versus operational level and the difference
14 being that you can decide whether or not to put in a sign but once you put in a sign you
15 have to put it in the right place. So deciding whether or not to put in a sign is where you
16 don't have any liability but once you put in a sign then you open yourself up to not
17 putting it in the right place. If you put the sign in one spot and the person is killed in
18 another spot, that doesn't help what you are trying to figure out. Fundamentally you are
19 talking about a county road anyway. We don't have any control. Whatever we say here
20 today is not going to happen unless the County wants it to.

21
22 Mayor Mealor interjected or the developer specifically requests it or is willing to bring it
23 forward.

24
25 Ms. Reischmann said if the Commission wants to include the two staff conditions, the
26 P&Z condition and the fourth condition mentioned about the foot candles, there could
27 also be a condition that if they would agree to conduct a pedestrian count in six to nine
28 months so that we would add the condition that P&Z has which is the same kind of
29 flashing beacon that is at International Parkway at Westin. There would also be a
30 pedestrian count so that in the event the County sticks with its position of no flashing
31 sign we would still ask the developer to commit to this count in accordance with
32 City/County guidelines and at that point furnish that study to the cities and County, and
33 the developer would agree to pay for whatever the County would agree to put in in
34 terms of signage or flashing beacons.

35
36 Deputy Mayor Duryea said he was thinking about a light post with a red light so if
37 somebody pushed the thing to cross the crosswalk they would show a red light.

38
39 Commissioner Brender said that doesn't address the traffic problem. Every time we
40 have a pedestrian press the red light we end up stopping 200 cars.

41
42 Deputy Mayor Duryea said that was better than someone getting run over.

43
44 Commissioner Brender said that is like a circular argument. We stop 200 cars and save
45 the one pedestrian that might be crossing the road but cause three rear-end accidents
46 because everybody stopped. His problem with this is the site itself was not inherently

1 safe as a place to put a well-used and successful site. If this was on the north side
2 (Sanford's side) then it's on one side of the road and we have turn ins and turn outs and
3 you can address all of these issues.

4
5 Mayor Meador asked if the applicant would be willing to do a traffic study in line with
6 what the County Engineer suggested in a six to nine-month window.

7
8 Mr. Anderson said he believed they would be willing to do something. It was something
9 the County Engineer suggested. He wanted it designed the way that he has designed it
10 and approved it on the current plans but he would be willing to revisit the site and the
11 design if we would provide him with a pedestrian count and some sort of study that he
12 would define the scope and guidelines of and he would be more willing to look at
13 another system if he felt it was warranted.

14
15 Mayor Meador said should the pedestrian study come back and warrant an activity
16 similar to what is currently in place and referenced by our P&Z a situation similar to
17 what is at the Westin and Publix area, he asked if they would be agreeable to commit to
18 working with the County to put that type of structure in place.

19
20 Mr. Anderson answered affirmatively. He believed 7-Eleven would be willing to put in a
21 system similar to the one at the Westin (representatives of 7-Eleven were nodding in the
22 affirmative from the audience). It is pedestrian operated and doesn't flash all the time.
23 They would be willing to install a system like that if the County felt it was warranted. It
24 would be a pedestrian count type of study. The City staff could work with the County
25 Engineer and determine what kind of scope. We would hire a traffic consultant and
26 have them look at the pedestrian crossings at this location.

27
28 Deputy Mayor Duryea asked for an explanation of the variance for the sign.

29
30 Mr. Noto said the monument sign is not a variance but an amendment to the
31 developer's agreement. The original agreement said the entire site had to comply with
32 City Code which states there can be only one monument sign per project. By amending
33 the developer's agreement it is stating there can be two, allowing one on the south side
34 and the north side, takes care of the signage and there is no need for a variance.

35
36 Mayor Meador said he believed Mr. Noto said if the Commission approved the
37 amendment to the developer's agreement then that condition is removed from the
38 request for site plan.

39
40 Mr. Noto said that is correct.

41
42 Mayor Meador asked to change the order of the agenda and bring Item 9-D forward at
43 this time. There were no objections from the Board.

- 44
45 D. Request for an amendment to a Developer's Agreement associated with 2014-
46 SP-06 (7-Eleven)/Voluntary Commitment Agreement for Twin Lakes Properties,

1 LLC; Interplan,LLC/Stuart Anderson or Heather Johnston, applicant (Public
2 Hearing) (Steve Noto, Senior Planner)
3

4 **Motion was made by Deputy Mayor Duryea to approve the amendment to the**
5 **developer's agreement associated with 2014-SP-06 (7-Eleven)/Voluntary**
6 **Commitment Agreement for Twin Lakes Properties, LLC, seconded by**
7 **Commissioner Lucarelli and motion carried by roll-call vote: Commissioner**
8 **Greene, Yes; Commissioner Lucarelli, Yes; Commissioner Brender, Yes; Deputy**
9 **Mayor Duryea, Yes; Mayor Mealor, Yes.**

10
11 Mr. Noto asked if the six to nine months for a pedestrian count would begin at time of
12 CO or time of construction.

13
14 Mayor Mealor said at the time of CO.

15
16 **Motion was made by Commissioner Lucarelli to approve the site plan with**
17 **variances to include staff conditions that the construction plans be updated that**
18 **the cover sheet shall accurately state the landscape variance requests and Sheet**
19 **L-1 shall accurately state the landscape requested and provided; prior to the**
20 **issuance of a site construction permit, the applicant shall comply with any**
21 **remaining DRC comments from the Seminole County Health Department; a**
22 **pedestrian count be conducted within six to nine months of CO and if warranted**
23 **applicant to work with Seminole County and install an enhanced crosswalk**
24 **similar to the one at the Westin; and at the time of site plan construction permit**
25 **when reviewing the lighting plan foot candles cannot exceed .5. Seconded by**
26 **Commissioner Greene and motion carried by roll-call vote: Commissioner**
27 **Lucarelli, Yes; Commissioner Brender, No; Deputy Mayor Duryea, No;**
28 **Commissioner Greene, Yes; Mayor Mealor, Yes.**

29
30 E. Ordinance No. 1512 - Rezone property at the north end of Century Point at St.
31 Peters Church from A-1 (Agriculture) to M-1A (Light Industrial); Mark Harkins,
32 applicant - First Reading (Public Hearing) (Gary Schindler, City Planner)
33

34 The City Attorney read Ordinance No. 1512 by title only on first reading.

35
36 Mr. Schindler said this property is sandwiched between St. Peter's and Interstate 4. It is
37 on the south side of the pedestrian/bicycle path and bridge that goes across I-4. It is in
38 a natural state and is heavily wooded. It has been in a holding pattern for years. It was
39 owned by a person who lived in New England and that person has died. It is now in a
40 trust and they are looking to liquidate the property. He said Mr. Harkins has indicated
41 the reason they are requesting rezoning is that at this point they have no purchaser but
42 the M-1A zoning makes the property more attractive. Logically that would be the zoning
43 that this property would eventually take on. It is industrial land use. The M-1A zoning
44 allows for a wide variety of office uses, industrial, manufacturing, and high tech.
45

1 Mr. Schindler said the referenced findings A through D are determined to support the
2 requested rezoning of the subject property from A-1 Agriculture to M-1A Light Industrial
3 by establishing consistency and compatibility.

4
5 Mr. Schindler said at their regular June 24, 2014, meeting, the P&Z voted 5 to 0 to
6 recommend the City Commission approve the M-1A Light Industrial zoning.

7
8 Deputy Mayor Duryea asked if there was any impending sale.

9
10 Mr. Schindler said not that he was aware of.

11
12 Deputy Mayor Duryea asked if the applicants know this is in our targeted industry area
13 and we target that for what we like to see.

14
15 Mr. Schindler said we encourage any proposed development to come before a first step
16 meeting where very early in the process we sit down with them and they tell us what
17 they wish to do and we give the information. This is in the industrial high tech overlay.
18 No residential is permitted but office, manufacturing and high tech.

19
20 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1512. No
21 one came forward and the public hearing was closed.

22
23 **Motion was made by Commissioner Greene to approve Ordinance No. 1512 on**
24 **first reading, seconded by Commissioner Lucarelli.**

25
26 Commissioner Brender said this was seven acres and asked what they were talking
27 about for a building size.

28
29 Mr. Schindler said 10,000 to 12,000 S.F. per acre so 70,000 S.F. He said he didn't
30 know if there are any environmentally sensitive areas on it. He showed the aerial
31 photograph on the overhead.

32
33 **Motion carried by roll-call vote: Commissioner Brender, Yes; Deputy Mayor**
34 **Duryea, Yes; Commissioner Greene, Yes; Commissioner Lucarelli, Yes; Mayor**
35 **Meador, Yes.**

36
37 F. Request for Preliminary Planned Unit Development (PUD) approval for a +/-
38 1.35-acre property adjacent to Rinehart Road and Legends Apartments, VHB
39 Miller Sellen/Jim Hall, applicant (Public Hearing) (Steve Noto, Senior Planner)

40
41 Mr. Noto said Mr. Schindler was the project manager for a future land use amendment
42 on this property in 2012. At that time the applicant requested a land use amendment
43 from commercial to high density residential, the plan being to add one more 12-unit
44 apartment building to the subject property. The item before the Commission this
45 evening is the Preliminary PUD so it is 30% engineered. This item will be back before

1 the Commission in the future as a Final PUD with the amended developer's agreement
2 outlining the development standards for the subject parcel.

3
4 Mr. Noto showed the concept plan on the overhead for the 1.35-acre property. It will be
5 one apartment building designed to match the rest of the development. There is a 100-
6 foot setback that is the FPL Energy easement area. Initially the parking lot was
7 designed to be placed in that area. Based on communication we had with the applicant
8 they were unable to figure out if that was doable so as a result we have the design that
9 is before us this evening. From a parking standpoint they are required to have 24
10 spaces and are providing 36. It will be designed like the rest of the development so
11 there will be some parking with the garages. Not all the parking spaces are shown on
12 this plan but there will be more than just the two that are shown.

13
14 Mr. Noto said access would be from the remainder of the development. There will be
15 no addition curb cut on Rinehart. There is retention to the south so there is no
16 availability for access at that point.

17
18 Mr. Noto said the P&Z heard this item at their June 24, 2014, meeting and voted
19 unanimously to recommend approval.

20
21 Mayor Meador asked if anyone wanted to speak in reference to this request for a
22 Preliminary Planned Unit Development. No one came forward and the public hearing
23 was closed.

24
25 Deputy Mayor Duryea said he was on the Commission when this was originally
26 approved. The PUD had to have two uses. He thought that particular area should be
27 commercial or office/professional and not residential. He thought it was better for the
28 community to keep it the way it is, although that is not what the owner wants.

29
30 Commissioner Brender said his concern is we are going to have residential properties
31 abutting right up to the power line. The site looks nice and big when you look at the big
32 square until you realize that half the square isn't usable. Putting residential units right
33 up to the power line he was uncomfortable with. He agreed some kind of other usage
34 would probably work. If this thing was approved as a PUD and it needed two uses, we
35 can undo that PUD?

36
37 Mr. Noto said since this project was approved the land development code was amended
38 allowing one use per PUD. To the point about the location of the building in relation to
39 the power lines, he pointed out the location of the building on the overhead. The beauty
40 of the Preliminary PUD is that it is 30% engineered so if you would like to see some
41 design changes made you can add those conditions. As far as the other types of uses,
42 the land use was amended from commercial to high density residential already. There
43 would have to be a condition to require the applicant to come back with a future land
44 use amendment to go back to commercial, otherwise, we have a PUD that is not in
45 compliance with the land use.

46

1 Commissioner Brender said his opinion with the power lines there and the building set
2 back behind it is he is going to be looking for some kind of visual. We can't put in any
3 plantings because of the power line easement. This thing is going to have to be more
4 than heavily landscaped to the power line easement--some kind of separation or push
5 back. Fifteen or 20 years ago when Manderley went in we put in a 50-foot open space
6 of trees between the power line and the backyard of the first house. It made sense and
7 it passed. He was not sure they could fit 50 feet but would like to see some separation
8 from that power line easement to what is being built so we can put in some landscaping.

9
10 Mr. Noto said they have exceeded their parking requirements but could see some space
11 where we can remove some parking or reconfigure the parcel and maybe spin the
12 building clockwise and back it up to the northern property and save some space. We
13 will work with the applicant on that.

14
15 Commissioner Lucarelli said regarding the power lines, she didn't think there had been
16 good consistency with that and would cite Huntington Point and Huntington Landing as
17 perfect examples. There is no buffer there and they are right up next to the power
18 easement and power lines. She said she didn't know what they could do but maybe do
19 some low landscaping. She knew Duke Energy was very strict about that and you can't
20 put anything in their easement because they need access to get to the line. We haven't
21 been consistent with that and need to be careful.

22
23 **Motion was made by Commissioner Greene to approve the Preliminary Planned**
24 **Unit Development for property adjacent to Rinehart Road and Legends**
25 **Apartments, seconded by Commissioner Lucarelli and motion carried by roll-call**
26 **vote: Deputy Mayor Duryea, Yes; Commissioner Greene, Yes; Commissioner**
27 **Lucarelli, Yes; Commissioner Brender, Yes; Mayor Mealor, Yes.**

- 28
29 G. Approval of Police Department Security Grant (Steve Bracknell, Police Chief)
30 a. Resolution No. 941 – Amend FY 2014 Budget for Homeland Security Grant –
31 Lake Mary Police Department Security Equipment

32
33 The City Attorney read Resolution No. 941 by title only.

34
35 Ms. Sova said the Florida Division of Emergency Management Homeland Security
36 Grant Program is a federal program and has approved a partnering grant for the Lake
37 Mary Police Department in the amount of \$68,785. That is the amount of this resolution
38 to accept the funds and spend the capital outlay. The outlay we are planning to spend
39 is a new solid door for the sally port to replace the grated-style doors for better security
40 in the amount of \$6,425, the installation of bollards at strategic and vulnerable points
41 around the police department in the amount of \$4,613 installed, and \$56,320 to replace
42 the camera system at the exterior of the police department for better surveillance and
43 protection.

44
45 Ms. Sova asked the Commission to approve Resolution No. 941 amending the Fiscal
46 Year 2013-14 budget and authorize the purchase of security equipment in the amount

1 of \$68,785 and to declare the non-functioning security equipment surplus and authorize
2 the City Manager to dispose of that equipment.

3
4 **Motion was made by Commissioner Duryea to approve Resolution No. 941**
5 **amending the Fiscal Year 2013-2014 budget, purchase equipment outlined in staff**
6 **report in an amount not to exceed \$68,785, declare non-functioning security**
7 **equipment surplus and authorize City Manager to dispose of, seconded by**
8 **Commissioner Lucarelli.**

9
10 Commissioner Brender asked if we had cameras pointed in the back of the building
11 toward where the sidewalk coming from the SunRail Station is.

12
13 Chief Bracknell said you can barely see. The cameras we have there now are pretty
14 much done but we will be able to see that sidewalk.

15
16 Commissioner Brender said when we put in the new system he suggested we don't lose
17 sight of that activity center right behind our building.

18
19 **Motion carried unanimously.**

20
21 H. Fiscal Year 2015 Budget Message - Setting of Proposed Operating Millage Rate,
22 Current Year Rolled Back Rate, and date, time and place of Tentative Budget
23 Hearing (Jackie Sova, City Manager)

24
25 Ms. Sova said in accordance with state law and pursuant to City Charter, I am pleased
26 to present for your consideration the proposed annual operating budget for Fiscal Year
27 2014-2015, including a five-year plan through 2018 and 2019.

28
29 Ms. Sova said as the City and the country as a whole continue on the path of economic
30 recovery, this budget proposal represents a commitment toward continued strategic
31 financial planning to meet the City's goal of providing a high standard for quality of life
32 and development opportunities. During the past few months we have had the
33 completion of the Verizon building including the announcement that the total number of
34 jobs will increase to 1,100 jobs at that location, the long-awaited commuter rail system
35 SunRail has begun operations with Lake Mary being the busiest of the Seminole County
36 stations, and an announcement from CareMed Pharmaceuticals planning to bring 250
37 jobs to the City. The City has also been chosen as one of the best towns for families for
38 2014 by *Family Circle* magazine. The magazine cited our Downtown Farmer's Market,
39 WineART Wednesday, the music and food trucks, and many other family events held by
40 the City. Seminole County schools with its high graduation rates and excellent SAT
41 scores were also named in the ranking.

42
43 Ms. Sova said budget highlights for 2015 are the total proposed Fiscal Year 2015
44 budget is 6.29% less than Fiscal Year 2014 budget at a total of \$31,737,475 for all
45 funds combined which is \$2,129,821 less than last year. For 2015 we propose to hold
46 the ad valorem millage rate at 3.5895 which is the same as last year. With combined

1 property values reflecting a total increase of 4.1% this will yield \$244,689 more in ad
2 valorem tax revenues.

3
4 Ms. Sova said development activity includes the stability and economic recovery in Lake
5 Mary shown by the projects as the Verizon building with its \$60 million in valuation
6 expected and the 1,100 employees.

7
8 Ms. Sova said the Rinehart Place PUD has been purchased by the Adventist Health
9 System-Florida Hospital, and the current plans are for a stand-alone emergency room
10 as well as additional medical care facilities. This is a very visible site at the corner of
11 Rinehart Road and 46A and we expect these new buildings to be some of the same
12 first-class quality as other facilities that Florida Hospital has throughout the region.

13
14 Ms. Sova said the much anticipated apartment complex known as The Station House is
15 located at East Crystal Lake and Old Lake Mary Road and well underway with
16 occupancy expected within the new fiscal year. When fully complete this development
17 should have more than \$20 million in valuation to the tax rolls and will usher in a new
18 era in Lake Mary—the ability to live in a desirable rental community within walking
19 distance to Downtown Lake Mary and easy access to the greater metro area by the
20 commuter rail. This is the first development of its kind to be completed along the
21 SunRail route.

22
23 Ms. Sova said still moving through the planning process is the two-story 31,000 S.F.
24 Station Point project including offices and retail to be adjacent to the rail platform to
25 provide services to the SunRail commuters.

26
27 Ms. Sova said pending the result of an area-wide traffic study the plans are to provide a
28 traffic signal at Wilbur and Country Club along with beautification and landscaping along
29 Country Club budgeted at \$300,000.

30
31 Ms. Sova said Central Park at Heathrow will consist of three office buildings totaling
32 approximately 13,000 S.F. with three retail buildings adding an additional 19,000 S.F.
33 This new development will consist of professional office, including medical, with retail
34 and restaurant uses. A popular breakfast establishment has expressed interest in
35 occupying one of these spaces. A new phase of this development is in discussions with
36 us at this time. The additional phase will be on the adjacent 5.23-acre property to the
37 west and will consist of nine office buildings and approximately 45,000 S.F. of new
38 office space.

39
40 Ms. Sova said MI Homes is currently constructing the Pine Tree Terrace subdivision
41 located at Pine Tree Road and Olivia Rose Court. Residential construction in Fountain
42 Park continues towards the completion of those 500 planned units.

43
44 Ms. Sova said our current economic incentives are with Axiom Healthcare, Paylocity
45 and Digital Risk. Verizon's first incentive payment will be within this fiscal year. Also
46 CareMed Pharmaceuticals from just a few weeks ago.

1
2 Ms. Sova said our total Debt Service funding is \$623,580 and of that \$290,679 will be
3 the final payment on the Series 2007 bonds.

4
5 Ms. Sova said our carry-forward projects from the previous year are for proposed
6 development activities near the SunRail Station, planned improvements on Palmetto
7 including the sidewalks, a roundabout at Greenleaf, gateway feature, and a traffic signal
8 at Lake Mary Boulevard along with some traffic calming features and enhancements to
9 the intersection at Old Lake Mary Road. The enhancement agreement with FDOT will
10 provide a portion of the funding and all these projects together are planned at \$585,113.
11 Also completed in the new fiscal year will be the Emma Oaks sidewalk project along
12 with the Rinehart Trail rehab for a combined amount of \$260,000.

13
14 Ms. Sova said other projects are the Cold Mix Paving program at \$190,000 and the
15 Asphalt Resurfacing program study budgeted at \$35,000. Funding is provided for the
16 Community Center parking lot at \$253,000, Phase I of Heritage Park at \$185,000,
17 funding to begin the design for Central Park improvements, and \$16,000 to improve our
18 holiday light display.

19
20 Ms. Sova said the Fire Department has asked for two X Series cardiac monitors to
21 replace nine-year-old monitors at \$35,000 each, portable decontamination system for
22 better protection for our employees and patients, and for Fire Prevention a \$12,000 fire
23 extinguisher.

24
25 Ms. Sova said the City's Information Systems Division has consisted of two employees
26 for more than 11 years and am recommending the addition of a Network Analyst to the
27 staff. In the Police Department I am recommending the addition of a Training Sergeant.
28 In Parks & Recreation there is funding for a Recreation Assistant for the Community
29 Center. We also have planned an internal pay and classification study and have set
30 aside \$150,000 for the implementation.

31
32 Ms. Sova said in the Vehicle Replacement Fund, it consists of 148 vehicles, 18
33 scheduled for replacement including a rescue, the high lift reach, and a dump truck.

34
35 Ms. Sova said we had scheduled a budget workshop tonight and have already had that
36 meeting. In accordance with Florida Statutes the action required by the Commission
37 tonight is to establish a proposed millage rate for Fiscal Year 2015 which I recommend
38 at 3.5895 mills that is the same as the current fiscal year, set the rolled-back rate at
39 3.4747 mills, and schedule the first public hearing for September 4, 2014, at 7:00 P.M.
40 in the Commission Chambers.

41
42 Mayor Meador thanked the City Manager for an excellent report. It is very positive as we
43 go forward in this budgetary process.

44
45 **Motion was made by Commissioner Lucarelli to set the proposed millage rate at**
46 **3.5895 mills, set the rolled-back rate at 3.4747 mills, and schedule the first public**

1 **hearing for September 4, 2014, at 7:00 P.M. in the Commission Chambers,**
2 **seconded by Commissioner Brender and motion carried unanimously.**

3
4 10. Other Items for Commission Action

5
6 There were no items for discussion at this time.

7
8 11. City Manager's Report

9
10 A. Items for Approval

11 a. Rinehart Road Trail Rehabilitation Project

12
13 Ms. Sova said the first item is for the Rinehart Road Trail Rehabilitation. We had the bid
14 process to repave approximately 16,000 square yards of Rinehart Road to include the
15 necessary milling, signage and markings associated with the trail. We have five
16 proposers and the most responsive bid was from Ranger Construction Industries with a
17 bid of \$136,299.50. This was budgeted at \$160,000.00 with the \$75,000.00 grant from
18 the Florida Recreation Trails Program. They just tonight while we were in the budget
19 meeting gave us the notice to proceed.

20
21 Ms. Sova requested the Commission authorize the City Manager to enter into an
22 agreement with Ranger Construction Industries, Inc. in an amount not to exceed
23 \$136,299.50 for the Rinehart Road Trail Rehabilitation Project.

24
25 **Motion was made by Commissioner Brender to authorize the City Manager to**
26 **enter into an agreement with Ranger Construction Industries, Inc. in an amount**
27 **not to exceed \$136,299.50 for the Rinehart Road Trail Rehabilitation Project,**
28 **seconded by Commissioner Duryea and motion carried unanimously.**

29
30 B. Items for Information

31 a. Update on One-Cent Discretionary Local Government Infrastructure
32 Surtax

33
34 Ms. Sova said there was a .01% difference caught with the penny sales tax and the
35 County has agreed to add that to the City of Lake Mary's share. She said she provided
36 the letter with that agreement.

37
38 Ms. Sova congratulated the City Attorney on being named in the Legal Elite for
39 Government by the *Florida Trend*.

40
41 Mayor Mealor said there were 19 attorneys statewide selected in that area and our City
42 Attorney is one.

43
44 Ms. Sova said she hoped everyone had the opportunity to read the article in *Family*
45 *Circle* magazine where they named us one of the top ten best towns for families.

1 Ms. Sova said the City of Lake Mary Police Department in partnership with the
2 community will be collecting school supplies through August 6th to provide low income
3 children who attend local schools in this area with some school supplies. Drop off
4 locations are the Lake Mary Police Department and Lake Mary Senior Center. The
5 items needed but not limited to are backpacks, crayons, colored pencils, rulers,
6 highlighters, No. 2 pencils, 1 and 3-inch ring binders, wide ruled notebook paper, spiral
7 notebooks, hand sanitizers and basically anything you see on the school supply list at
8 the stores.

9
10 12. Mayor and Commissioners' Reports – 4

11 Mayor Mealor had no report at this time.

12 Commissioner Lucarelli had no report at this time.

13
14 Commissioner Brender said CALNO is on vacation for the summer. He welcomed our
15 new HR Manager, Wanda Broadway, and looked forward to working with her.

16 Deputy Mayor Duryea passed and welcomed the new HR Manager.

17
18 Commissioner Greene passed.

19
20
21 13. City Attorney's Report

22 Ms. Reischmann had no report at this time.

23
24 14. Adjournment

25
26
27 There being no further business, the meeting adjourned at 8:50 P.M.

28
29
30
31
32
33
34 _____
35 David J. Mealor, Mayor

36
37 _____
38 Mary Campbell, Deputy City Clerk

39 ATTEST:

40
41 _____
Carol A. Foster, City Clerk



MEMORANDUM

DATE: August 7, 2014

TO: Mayor and City Commission

FROM: Gary Schindler, City Planner

THRU: John Omana, Community Development Director

VIA: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1511 - Rezone property at 3112 W. Lake Mary Boulevard from RCE (Rural Country Estates) to PO (Professional Office); Linn Engineering/Chad Linn, applicant - Second Reading (Public Hearing) (Gary Schindler, City Planner)

APPLICANT: Larry Holbrook, agent for the owner.

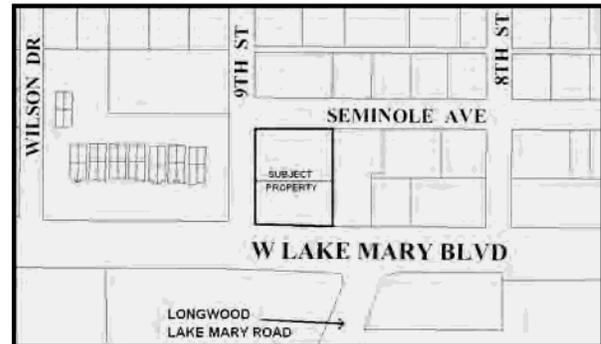
REFERENCE: City Code of Ordinances and Comprehensive Plan.

COORDINATION: Development Review Committee.

REQUEST: The applicant requests approval of the PO zoning designation for two properties located at 3112 W. Lake Mary Boulevard. The subject properties have the Seminole County Parcel ID numbers of 08-20-30-503-4700-00J0 & 08-20-30-503-4700-00A0.

DISCUSSION:

Location: The subject properties are located on the NE corner of West Lake Mary Boulevard and the unopened 9th Street right-of-way. Currently, the subject properties are sandwiched between PO zoned office developments to the east and west.



History: Historically, the subject properties were used for a combination of residential and agricultural activities. The subject property has an Office land use designation.

Zoning

NW A-1	N R-1AA	NE R-1AA
W PO	SITE RCE	E R -1AA & PO
SW A-1	S A-1	SE C-1

Land Use

NW LDR	N LDR	NE LDR
W OFF	SITE OFF	E OFF
SW RCOM	S RCOM	SE RCOM

CRITERIA FOR REZONING:

Need: The applicant proposes to rezone the property for office use.

- A. Justification:** Per Table GOP-1 of the Future Land Use Element of the City’s Comprehensive Plan, the existing RCE zoning classification is not compatible with the existing Office land use designation. The proposed PO zoning is compatible with the Office land use designation. Additionally, the City has a long standing policy of promoting office uses along the north side of Lake Mary Boulevard. The proposed PO zoning classification is necessary to achieve this goal.
- B. Effect of Change In and Around Area:** The proposed PO zoning is compatible with the surrounding uses.
- C. Amount of Similar Zoned Land and Comparable Undeveloped Land in Area:** Between Wilson Drive to the west and 8th Street to the east, the subject properties are the only properties along Lake Mary Boulevard that are not zoned PO.
- D. Relationship to Comprehensive Plan:** The Future Land Use (FLU) designation of the subject property is OFF (Office), which is consistent with the proposed PO (Professional Office) zoning district.

Compatibility to City Code: The requested PO zoning district is compatible with the City’s Comprehensive Plan & the Code of Ordinances.

FINDINGS OF FACT: The above referenced findings of fact A through D are determined to support the requested rezoning of the subject property from RCE, Rural Country Estate, to PO, Professional Office, by establishing consistency and compatibility.

PLANNING AND ZONING BOARD: At their regular June 10, 2014 meeting, the P&Z voted 4 to 0 to recommend approval of the requested PO zoning.

LEGAL DESCRIPTION: LOTS A, B, C, & D & ALL VACATED ALLEY ADJ ON S BLK 47 AMENDED PLAT CRYSTAL LAKE SHORES, PB 6, PG, 18 OF THE OFFICAL RECORDS OF SEMINOLE COUNTY, FLORIDA

&

LOTS J, K, L & M (LESS ROAD ON S) BLK 47 NORTH RANCHES SEC 7 PB 13, PG 3, OF THE OFFICAL RECORDS OF SEMINOLE COUNTY, FLORIDA

ATTACHMENTS:

- Ordinance
- Location Map
- Land Use Map
- Zoning Map
- Aerial
- P & Z Minutes

ORDINANCE NO. 1511

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA AMENDING THE CITY OF LAKE MARY OFFICIAL ZONING MAP BY REZONING CERTAIN PROPERTY WITHIN THE CITY OF LAKE MARY, CONSISTING OF +/- 1.08 ACRES, LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WEST LAKE MARY BOULEVARD AND THE UNOPENED 9TH STREET RIGHT-OF-WAY, MORE FULLY DESCRIBED HEREIN, FROM THE PRESENT ZONING CLASSIFICATION OF RCE, RURAL COUNTRY ESTATE, TO PO, PROFESSIONAL OFFICE, PURSUANT TO THE TERMS OF THE FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Mr. Larry Holbrook of Premier Management, applicant, has petitioned to rezone the properties located on the northeast corner of West Lake Mary Boulevard and the unopened 9th Street ROW, within the City of Lake Mary, Florida, which is currently in a zoning district of RCE, Rural Country Estate, and has a Future Land Use designation of OFF, Office, in the City's Comprehensive Plan; and

WHEREAS, the City Commission of the City of Lake Mary, Florida, deems it to be in the public interest of the citizens of Lake Mary, Florida, and that it promotes the health and general welfare of the citizens of Lake Mary, Florida, to rezone the above described subject property to PO, Professional Office; and

WHEREAS, the proposed PO zoning district is compatible with the Office land use designation; and

WHEREAS, at their regular June 10, 2014 meeting, the City of Lake Mary Planning and Zoning Board voted unanimously to recommend the proposed PO zoning designation.

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

Section 1. That the City Commission in order to promote the health and general welfare of the citizens of Lake Mary, Florida, and to establish the highest and best use of real property within the City of Lake Mary, Florida, hereby rezones the following described property from its present zoning classification of RCE, Rural Country Estate, to PO, Professional Office: SEE ATTACHMENT "A".

Section 2. That after the passage of this Ordinance, the Community Development Director is directed to officially change the zoning map of the City of Lake Mary indicating thereon the Ordinance number and date of that final passage to include the subject property within the above-described designated zoning district.

Section 3. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason, held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative parts therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this ordinance had been adopted without such unconstitutional, invalid or inoperative part therein and if this Ordinance or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

Section 4. Conflicts. This Ordinance shall not be construed to have the effect of repealing any existing Ordinances concerning the subject matter of this Ordinance, but the regulations herein shall be supplemental and cumulative; however, in the case of a direct conflict with a provision or provisions of any existing Ordinance the provision which is more restrictive and imposes higher standards or requirements shall govern.

Section 5. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED this 7th day of August, 2014

FIRST READING: July 17, 2014

SECOND READING: August 7, 2014

ATTEST:

Carol A. Foster, City Clerk

David J. Mealor, Mayor

CITY OF LAKE MARY, FLORIDA

FOR THE USE AND RELIANCE OF THE
CITY OF LAKE MARY ONLY.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

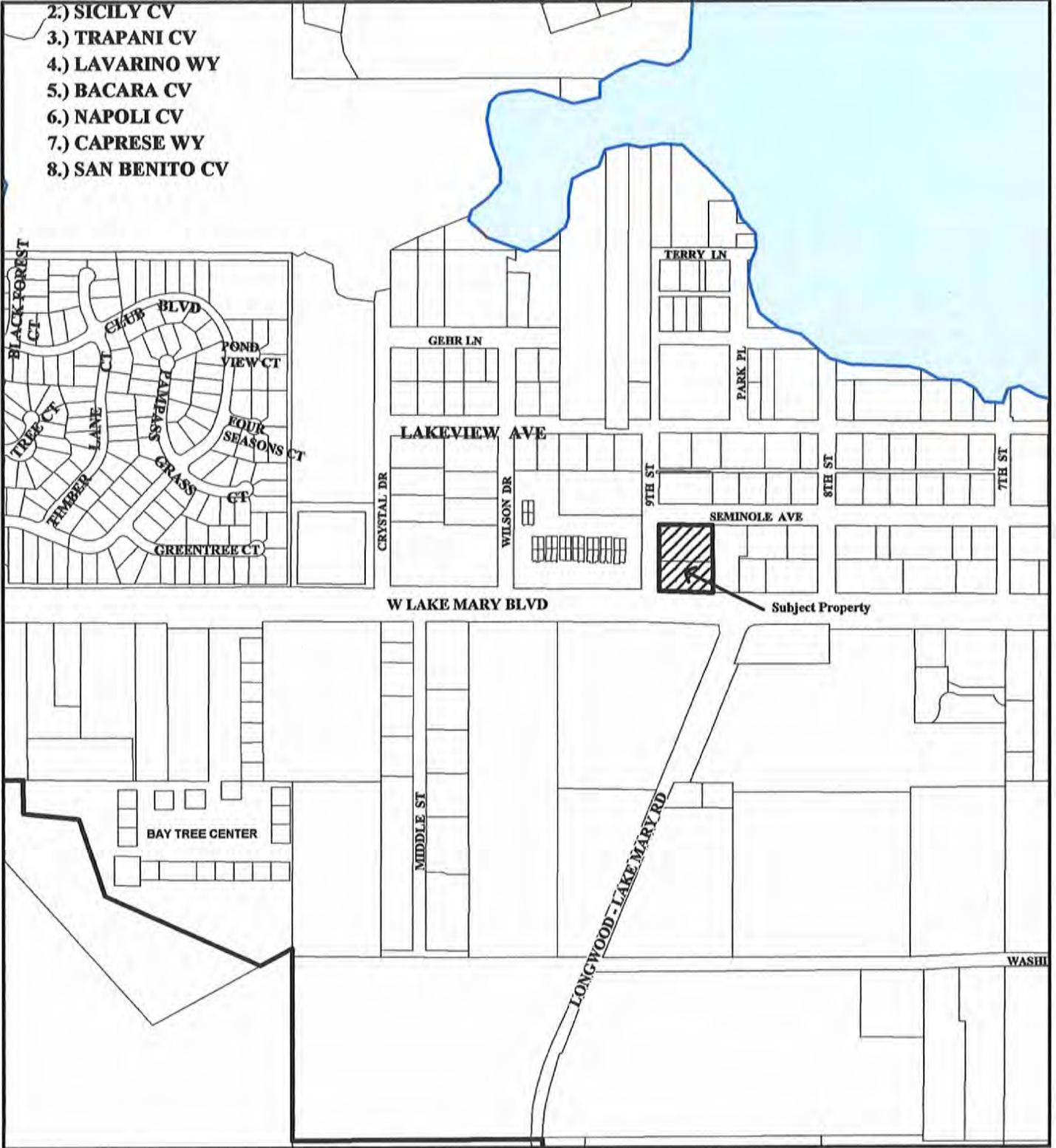
CATHERINE D. REISCHMANN, CITY ATTORNEY

ATTACHMENT "A"
LEGAL DESCRIPTION

THE SOUTH 899.84 FEET OF THE NORTH 924.84 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN TRUSTEE'S DEED TO SEMINOLE COUNTY, FLORIDA RECORDED IN OFFICIAL RECORDS BOOK 2574, PAGE 341, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

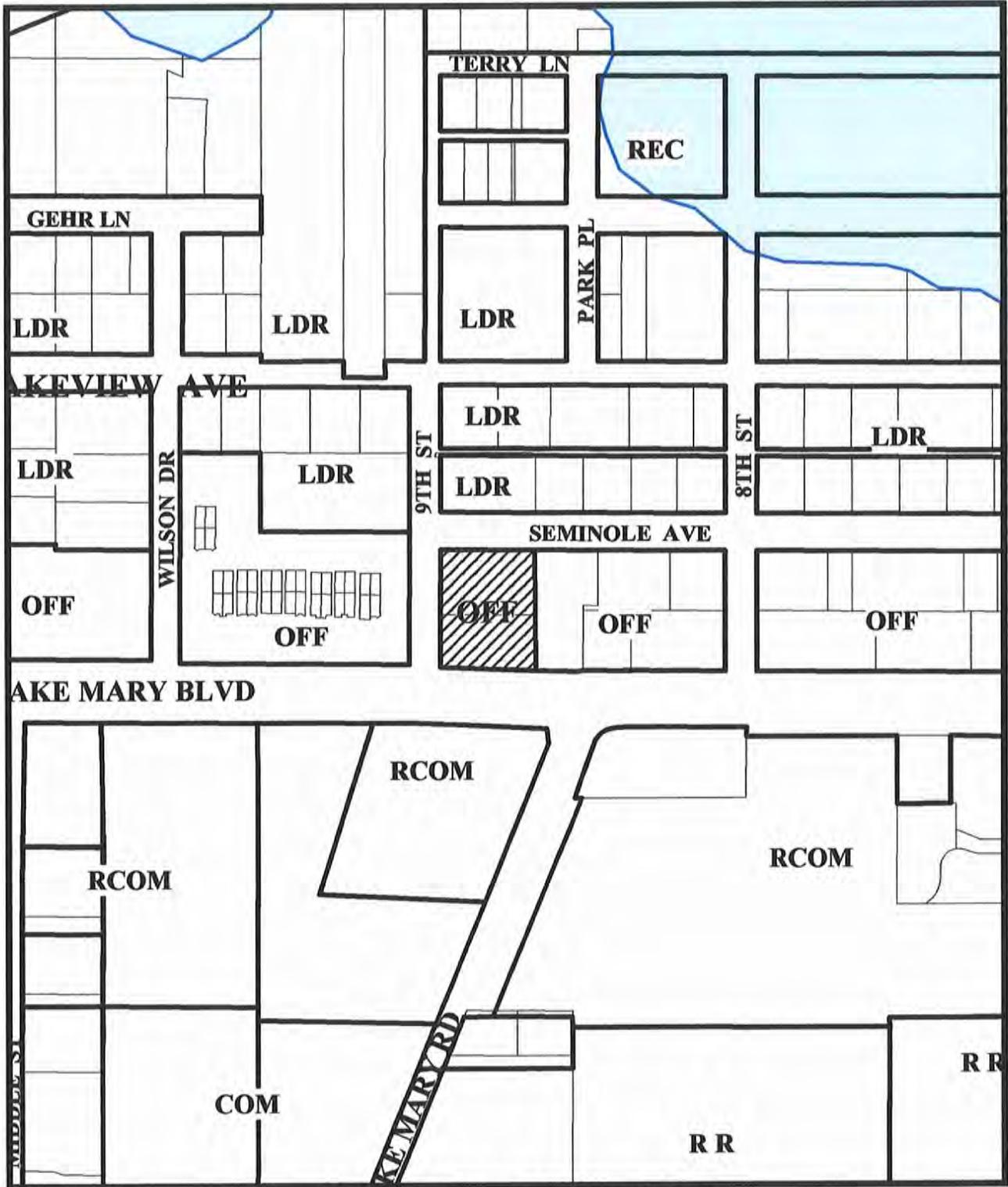
A PARCEL OF LAND LYING IN SECTION 15, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SAID SECTION 15; THENCE NORTH $89^{\circ}36'35''$, WEST ALONG THE NORTH LINE OF SAID SECTION 15 A DISTANCE OF 1,316.65 FEET; THENCE SOUTH $00^{\circ}41'40''$ WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $00^{\circ}41'40''$ WEST, A DISTANCE OF 18.20 FEET; THENCE NORTH $89^{\circ}56'53''$ WEST, A DISTANCE OF 658.40 FEET; THENCE NORTH $00^{\circ}40'42''$ EAST, A DISTANCE OF 22.09 FEET; THENCE SOUTH $89^{\circ}36'35''$ EAST, A DISTANCE OF 658.38 FEET TO THE POINT OF BEGINNING.

- 2.) SICILY CV
- 3.) TRAPANI CV
- 4.) LAVARINO WY
- 5.) BACARA CV
- 6.) NAPOLI CV
- 7.) CAPRESE WY
- 8.) SAN BENITO CV



Location Map 3112 W. Lake Mary Blvd.



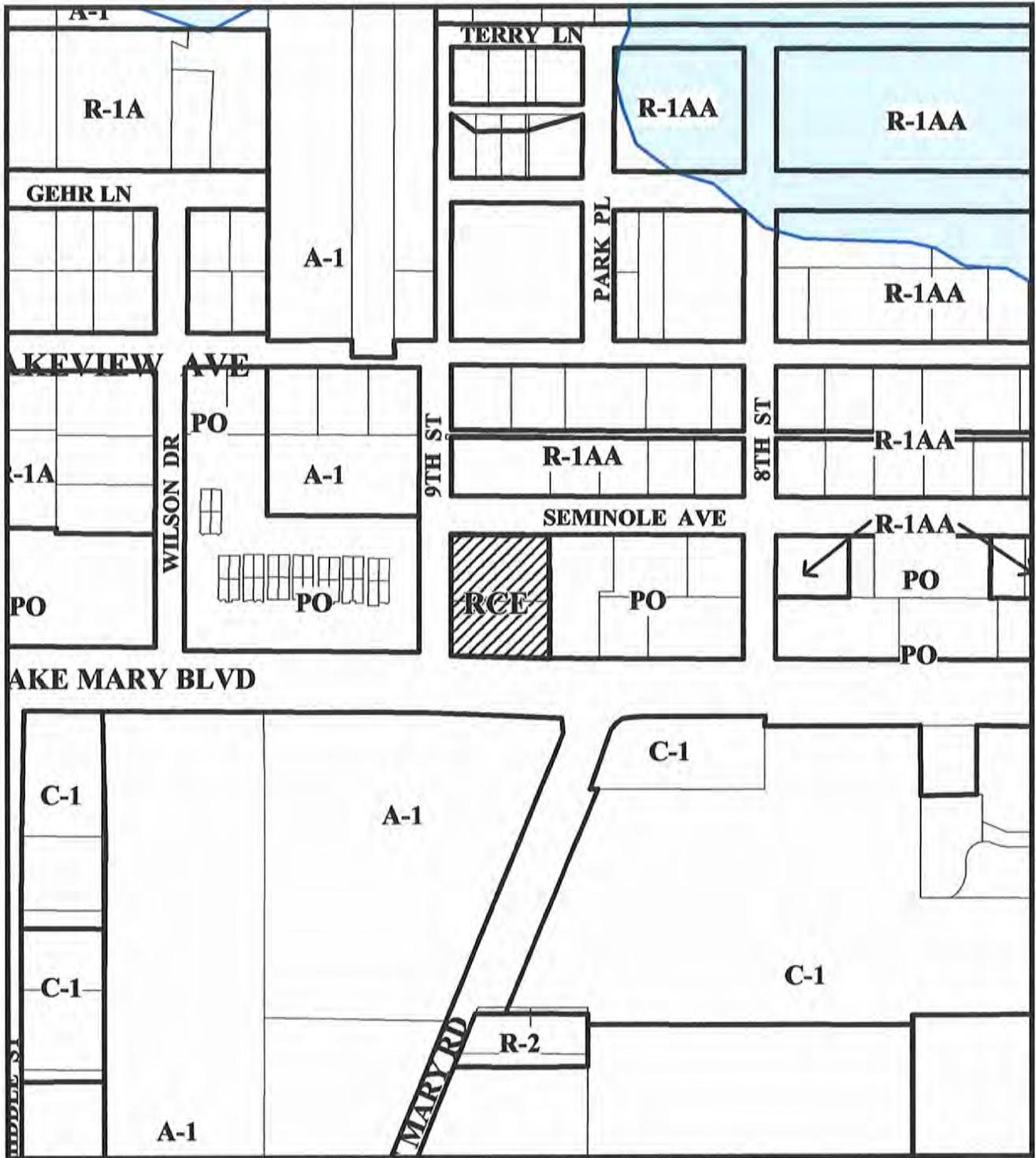


Future Land Use Map



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





Zoning Map

LEGEND

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





9th Street

Seminole Ave.

W. Lake Mary Blvd.



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43

It is noted there was no citizen participation and Chairman Hawkins closed that portion.

It is also noted that the P&Z Public Participation Process (see attached) was not read aloud by Chairman Hawkins.

VII. Old Business

None

VIII. New Business

A. **2014-RZ-03**: Recommendation to the City Commission concerning a rezoning from RCE (Rural Country Estates) to PO (Professional Office) for Premier Management, property located at 3112 W. Lake Mary Boulevard, Lake Mary, Florida; Applicant: Linn Engineering/Chad Linn (Public Hearing)

Gary Schindler, City Planner, presented Item A. and the related Staff Report. He said, if it pleases the Planning and Zoning Board, I'd like to do two things. One, I'd like to, first of all, address the issue of the rezoning. Secondly, I would like to take a moment to talk about the development of the property. We do not have formal plans yet, but I think I can sum up some of the issues that people are concerned about, and that way when we do come back, they will then know what to expect when it comes back as a Site Plan.

Mr. Schindler put a colored aerial photo attached to the Staff Report on the overhead projector.

Mr. Schindler stated, this is a rezoning for property located at 3112 W. Lake Mary Boulevard. This is property located just to the west – well, first of all, it's on the north side of Lake Mary Boulevard just to the west of the intersection of Longwood-Lake Mary Road and Lake Mary Boulevard. The underlying land use of this property is Office. It's been Office land use for a long time. It was zoned RCE before I ever came, and I can only anticipate that the zoning was done in order to legalize or to legitimize the fact that Ms. Boyd – this is Harriet Boyd's property – kept chickens because RCE does allow for chickens. Now, RCE is not necessarily compatible with Office land use, but it was felt that in the long run the use would change and then it would go to PO zoning, which is what is happening now.

Mr. Schindler said that staff has looked at the four rezoning criteria for the rezoning. He stated, the Office land use was established along the north side of Lake Mary Boulevard to encourage the adaptive reuse of the properties and the

1 structures along there. And it's worked quite efficiently. A number of the homes
2 have been turned into offices. Some of the homes have been demolished and
3 offices built. And this is what the City's intent was. So, in light of this, the four
4 rezoning criteria, A. through D. listed in the Staff Report, are determined to
5 support the requested rezoning of the subject property from RCE (Rural Country
6 Estates) to PO (Professional Office) by establishing consistency and
7 compatibility.

8
9 Mr. Schindler concluded his presentation by discussing development of the
10 property. He zoomed out a little bit more on the colored aerial on the overhead
11 projector. He said, to the north, we have Seminole Avenue. To the west, we
12 have an unopened 9th Street right of way. Here is Lake Mary Boulevard
13 (indicating to overhead projector). Here is the intersection of Longwood-Lake
14 Mary Road (indicating to overhead projector). This is Professional Office here
15 (indicating to overhead projector). The Applicant, Mr. Holbrook, has a long-
16 established business that's been in Primera for years. He is proposing to come –
17 he is a contract purchaser – he asked Mr. Holbrook, I don't think you have
18 purchased the property yet; have you?

19
20 Larry Holbrook, seated in the audience, answered, no.

21
22 Mr. Schindler stated, okay. He is the contract purchaser and he plans to build a
23 one-story office building here (indicating to overhead projector). His business is
24 property management. His employees manage the HOAs for the residents.
25 Now, we have a long-established policy of no commercial driveways from
26 Seminole Avenue, and I can assure you that when the Site Plan comes in, there
27 will be no access to this property from Seminole Avenue. On the north side of
28 Seminole Avenue, we have residences and we intend to protect the integrity of
29 the residential development along Seminole Avenue. Also, there is a b
30 landscape buffer along the north property line that is 25' average width. It
31 includes a lot of landscaping and includes either a 4-foot-high brick wall or a 3-
32 foot-high berm and 2-foot-high plantings. It's up to the Applicant, but there will be
33 actually a visual barrier between the building and the properties to the north.

34
35 Mr. Schindler said, one of the things we are going to do is we are going to have
36 the driveway to this property off of 9th Street right of way. Now, that does not
37 mean – and I can assure you that 9th Street will not be opened all the way to
38 Seminole Avenue. It will be open only to the north side of the driveway into this
39 property. Once again, it will not connect to Seminole Avenue. So, once again,
40 we are protecting the residential neighborhood to the north. Also, there will be –
41 we are going to push for cross-access between the subject property and the
42 professional offices to the east.

1 Chairman Hawkins questioned, is the City going to vacate that part of 9th Street?
2

3 Mr. Schindler responded, no, we have no plans to vacate. The City Commission
4 has said they do not wish to vacate properties, rights of way, unless there is an
5 economic development benefit to the City. At this point, we are simply requiring
6 the Applicant to develop 9th Street right of way to the City's cross-section, to the
7 north side of the driveway, and it will not – once again, it will not go to Seminole
8 Avenue. We do not want – we are trying/wanting to avoid another driveway
9 directly onto Lake Mary Boulevard because of the conflicts; therefore, we want
10 the driveway to be as far away from the intersection as possible, and by using 9th
11 Street right of way, we can achieve that.

12 Chairman Hawkins asked, are we going to place a physical barrier at the north
13 end of 9th Street?
14

15 Mr. Schindler replied, the thing is full of trees. There are physical barriers there
16 today.
17

18 Chairman Hawkins stated, okay. Good.
19

20 Mr. Schindler said, if we have to, we will, but the trees should be a sufficient,
21 physical barrier.
22

23 Member Schofield questioned, how much of 9th Street from West Lake Mary
24 Boulevard – how far back are you talking about developing?
25

26 Mr. Schindler answered, at this point, until they come in with a Site Plan, I can't
27 tell you, but it is anticipated that the parking lot will probably be at the south part
28 of the property with the building in the more middle part. So, I don't anticipate
29 that 9th Street is going to be open too far because the farther it goes back, the
30 more it cost the developer to develop 9th Street right of way.
31

32 Member Schofield asked, and with regards to opening up 9th Street for that small
33 portion, how close is that in relation to the property to the west where that turn
34 lane is?
35

36 Mr. Schindler responded, it's very close.
37

38 Chairman Hawkins stated, you can see there right above the W on – you can see
39 the turn lane right there (indicating to overhead projector).
40

41 Member Schofield questioned, do you know if the City has any plans to widen or
42 extend that turn lane or make it longer, or is it going to stay as is?
43

1 Mr. Schindler replied, this is something that we are going to be looking into.
2 Now, if it was simply an intersection of a driveway and Lake Mary Boulevard,
3 there would be a requirement for a turn lane. Generally, when you open a street,
4 there is not. But that is not hard and fast. We are going to be looking into it
5 when they come in with a Site Plan.
6

7 Member Schofield said, the only reason I ask is because it appears that the turn
8 lane starts before you get to 9th Street to turn into that property.
9

10 Mr. Schindler stated, yes, it does. And the City has been very adamant about
11 driveways on Lake Mary Boulevard having decel lanes. The County is less
12 stringent in their requirement, but the City has informed all developers as to the
13 need for a decel lane.
14

15 Chairman Hawkins requested the Applicant come forward and address the
16 Board.
17

18 Chad Linn, Applicant Representative/engineer for the project, 3840 St. Johns
19 Parkway, Sanford, Florida, came forward in favor of the proposed rezoning. He
20 introduced Larry Holbrook to the Board.
21

22 Larry Holbrook, 286 Via Siena Lane, Lake Mary, Florida 32746, said that he and
23 his wife, Gina, own Premier Management.
24

25 Chairman Hawkins asked Mr. Holbrook if he had anything further to add to Mr.
26 Schindler's comments.
27

28 Mr. Linn answered, to address your comments, the drive aisle is going to go back
29 to the main drive that runs across the face of the property. The front setback, I
30 believe, is like 25', then we have a 20-foot row of parking, and then the drive
31 aisle. So, we are actually just going to go back, butt into that, and run straight
32 across. I don't think Gary mentioned that we are coordinating with the neighbor
33 too to get a cross-connection to the east, the dentist's office, because there is an
34 easement provided, existing today, so we are coordinating that also. And those
35 will just line up. It will be a straight shot straight across.
36

37 Juan (John) A. Omana, Jr., Community Development Director, announced that
38 both rezonings this evening are quasi-judicial in nature; that a Quasi-Judicial
39 Sign-In Sheet (see attached) was located at the back of the chambers for any
40 interested party to sign in order to be kept abreast of these matters.
41

42 Chairman Hawkins opened the hearing to public comment. Hearing none, he
43 closed that portion and entertained board discussion and/or a motion.

1 **MOTION:**

2

3 **Member Schofield moved to recommend approval to the City Commission**
4 **the request by Linn Engineering/Chad Linn concerning a rezoning from RCE**
5 **(Rural Country Estates) to PO (Professional Office) for Premier Management,**
6 **property located at 3112 W. Lake Mary Boulevard, Lake Mary, Florida,**
7 **consistent with staff's Findings of Fact listed in the Staff Report. Member**
8 **Miller seconded the motion, which carried unanimously 4-0.**

9

10 Mr. Omana announced this item will move forward to the City Commission's July
11 cycle.

12

13 B. 2014-RZ-04: Recommendation to the City Commission concerning a rezoning
14 from C-1 (General Commercial) and R-1A (Residential) to DC (Downtown
15 Centre) for First Presbyterian Daycare, property located at 128 W. Wilbur
16 Avenue, Lake Mary, Florida; Applicant: No Limits Church/ Pastor Terry Baum
17 (Public Hearing)

18

19 Stephen Noto, Senior Planner, presented Item B. and the related Staff Report. A
20 colored aerial that is attached to the Staff Report was on the overhead projector.
21 He stated, we have a unique item before you this evening. Not so much the
22 rezone but why the rezone is occurring. The First Presbyterian Church exists at
23 the northwest corner of N. Country Club Road and W. Wilbur Avenue. The two
24 parcels that we're talking about this evening are outlined in yellow. The church
25 owns more property than that, but these are the only two that are a part of this
26 request. The No Limits Church has been operating out of a building at 390
27 Longwood-Lake Mary Road for a number of years and they have run into a
28 situation where they have to leave the building and move on to a different facility
29 and they have a very, very short time to do so. So, having said that, they have
30 reached out to First Presbyterian Church in order to continue operating their
31 daycare operations. You can see behind the church that there are about 3,000-
32 4,000 square feet worth of space in these buildings to the west of the main
33 chapel area. The No Limits Church operation is looking to operate their daycare
34 facility in those out buildings. Like I said, it's their early learning center program
35 that's currently operating at their facility at 390 Longwood-Lake Mary Road, but
36 due to the amount of time they have to move out of the building, which is not
37 much, they are working with the First Presbyterian Church to operate there.

38

39 Mr. Noto said, the properties already have Downtown Development District land
40 use. This property is within the Downtown – let me put up a different map here
41 (puts document entitled Future Land Use Map attached to the Staff Report on the
42 overhead projector). You can see all the DDDs all over the place. This is within
43 the boundaries of the Downtown. Everybody knows what's happening in the

QUASI-JUDICIAL SIGN-IN SHEET

6/10, 2014
p+2 MEETING
(please print)

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

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Item of Interest _____

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Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____



MEMORANDUM

DATE: August 7, 2014

TO: Mayor and City Commission

FROM: Gary Schindler, City Planner

THRU: John Omana, Community Development Director

VIA: Jackie Sova, City Manager

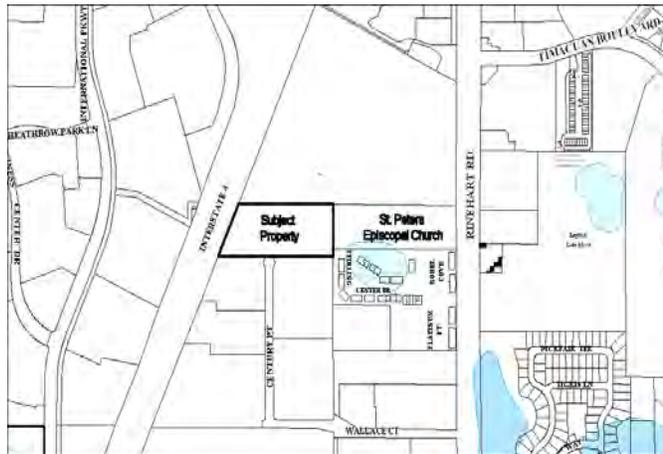
SUBJECT: Ordinance No. 1512 - Rezone property at the north end of Century Point at St. Peters Church from A-1 (Agriculture) to M-1A (Light Industrial); Mark Harkins, applicant - Second Reading (Public Hearing) (Gary Schindler, City Planner)

APPLICANT: Matt Harkins, agent for the owner.

REFERENCE: City Code of Ordinances and Comprehensive Plan.

COORDINATION: Development Review Committee.

REQUEST: The applicant requests approval of the M-1A zoning designation for 7.7 acres of property located at the north end of Century Point. The subject property has the Seminole County Parcel ID number of 06-20-30-300-0030-0000.



DISCUSSION:

Location: The subject property has road frontage from Century Point. It is sandwiched between I-4 to the west and St. Peter's Episcopal Church and Rinehart Road to the east. It is adjacent to and south of the pedestrian/bicycle I-4 overpass.

History: The subject property is in a natural state & undeveloped.

Zoning

NW PUD	N M-1A	NE M-1A
W PUD	SITE A-1	E PUD
SW PUD	S M-2A	SE M-1A

Land Use

NW COM	N IND & I*	NE IND & I*
W COM	SITE IND & I*	E IND & I*
SW IND & I*	S IND & I*	SE IND & I*

I* = Industrial/High Tech Overlay Land Use Designation

CRITERIA FOR REZONING:

Need: The applicant proposes to rezone the property to facilitate future development.

- A. Justification:** Currently, the subject property has an A-1 zoning classification. In addition to active agricultural uses, the A-1 zoning classification is used as a holding classification until a specific use is proposed for the property. It is located in an area of uses compatible with the PO and M-1A zoning districts. At such time as it should develop, it is anticipated that such development would be either permitted or conditional use allowed in the M-1A zoning district. The proposed M-1A zoning makes the subject property more desirable and facilitates future development.
- B. Effect of Change In and Around Area:** The proposed M-1A zoning is compatible with the uses in the surrounding uses.
- C. Amount of Similar Zoned Land and Comparable Undeveloped Land in Area:** The area between CR 46A to the north, Primera Boulevard to the south, I-4 to the west and Rinehart Road to the east has predominately M-1A zoning.
- D. Relationship to Comprehensive Plan:** Currently, the subject property has Industrial) and Industrial/High-tech Overlay land use designations, which are consistent with the proposed M-1A (Light Industrial) zoning district.

Compatibility to City Code: The requested M-1A zoning district is compatible with the City’s Comprehensive Plan & the Code of Ordinances.

FINDINGS OF FACT: The above referenced findings of fact A through D are determined to support the requested rezoning of the subject property from A-1, Agriculture, to M-1A, Light Industrial, by establishing consistency and compatibility.

PLANNING AND ZONING BOARD: At their regular June 24, 2014 meeting, the P & Z voted 5 to 0 to recommend that the City Commission approve the requested M-1A, Light Industrial, zoning classification.

LEGAL DESCRIPTION: LEGAL SECTION 06 TOWNSHIP 20S RANGE 30E SOUTH 10 ACRES OF LOT 2 (LESS ST RD 400) OF THE OFFICAL RECORDS OF SEMINOLE COUNTY, FLORIDA

ATTACHMENTS:

- Ordinance
- Location Map
- Land Use Map
- Zoning Map
- Aerial
- P&Z Minutes

ORDINANCE NO. 1512

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA AMENDING THE CITY OF LAKE MARY OFFICIAL ZONING MAP BY REZONING CERTAIN PROPERTY WITHIN THE CITY OF LAKE MARY, CONSISTING OF +/- 7.7 ACRES, LOCATED NORTH OF WALLACE COURT, EAST OF I-4 , SOUTH OF CR 46A AND WEST OF RINEHART ROAD, MORE FULLY DESCRIBED HEREIN, FROM THE PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURE, TO M-1A, LIGHT INDUSTRIAL, PURSUANT TO THE TERMS OF THE FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Mr. Matt Harkins, applicant, has petitioned to rezone the above referenced property, within the City of Lake Mary, Florida, which is currently in a zoning district of A-1, Agriculture, and has a Future Land Use designation of IND, Industrial, in the City's Comprehensive Plan; and

WHEREAS, the City Commission of the City of Lake Mary, Florida, deems it to be in the public interest of the citizens of Lake Mary, Florida, and that it promotes the health and general welfare of the citizens of Lake Mary, Florida, to rezone the above described subject property to M-1A, Light Industrial; and

WHEREAS, the proposed M-1A zoning district is compatible with the Industrial land use designation; and

WHEREAS, at their regular June 24, 2014 meeting, the City of Lake Mary Planning and Zoning Board voted unanimously to recommend the proposed M-1A zoning designation.

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

Section 1. That the City Commission in order to promote the health and general welfare of the citizens of Lake Mary, Florida, and to establish the highest and best use of real property within the City of Lake Mary, Florida, hereby rezones the following described property from its present zoning classification of A-1, Agriculture, to M-1A, Light Industrial: SEE ATTACHMENT "A".

Section 2. That after the passage of this Ordinance, the Community Development Director is directed to officially change the zoning map of the City of Lake Mary indicating thereon the Ordinance number and date of that final passage to include the subject property within the above-described designated zoning district.

Section 3. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason, held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative parts therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this ordinance had been adopted without such unconstitutional, invalid or inoperative part therein and if this Ordinance or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

Section 4. Conflicts. This Ordinance shall not be construed to have the effect of repealing any existing Ordinances concerning the subject matter of this Ordinance, but the regulations herein shall be supplemental and cumulative; however, in the case of a direct conflict with a provision or provisions of any existing Ordinance the provision which is more restrictive and imposes higher standards or requirements shall govern.

Section 5. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED this 7th day of August, 2014

FIRST READING: July 17, 2014

SECOND READING: August 7, 2014

ATTEST:

Carol A. Foster, City Clerk

David J. Mealor, Mayor

CITY OF LAKE MARY, FLORIDA

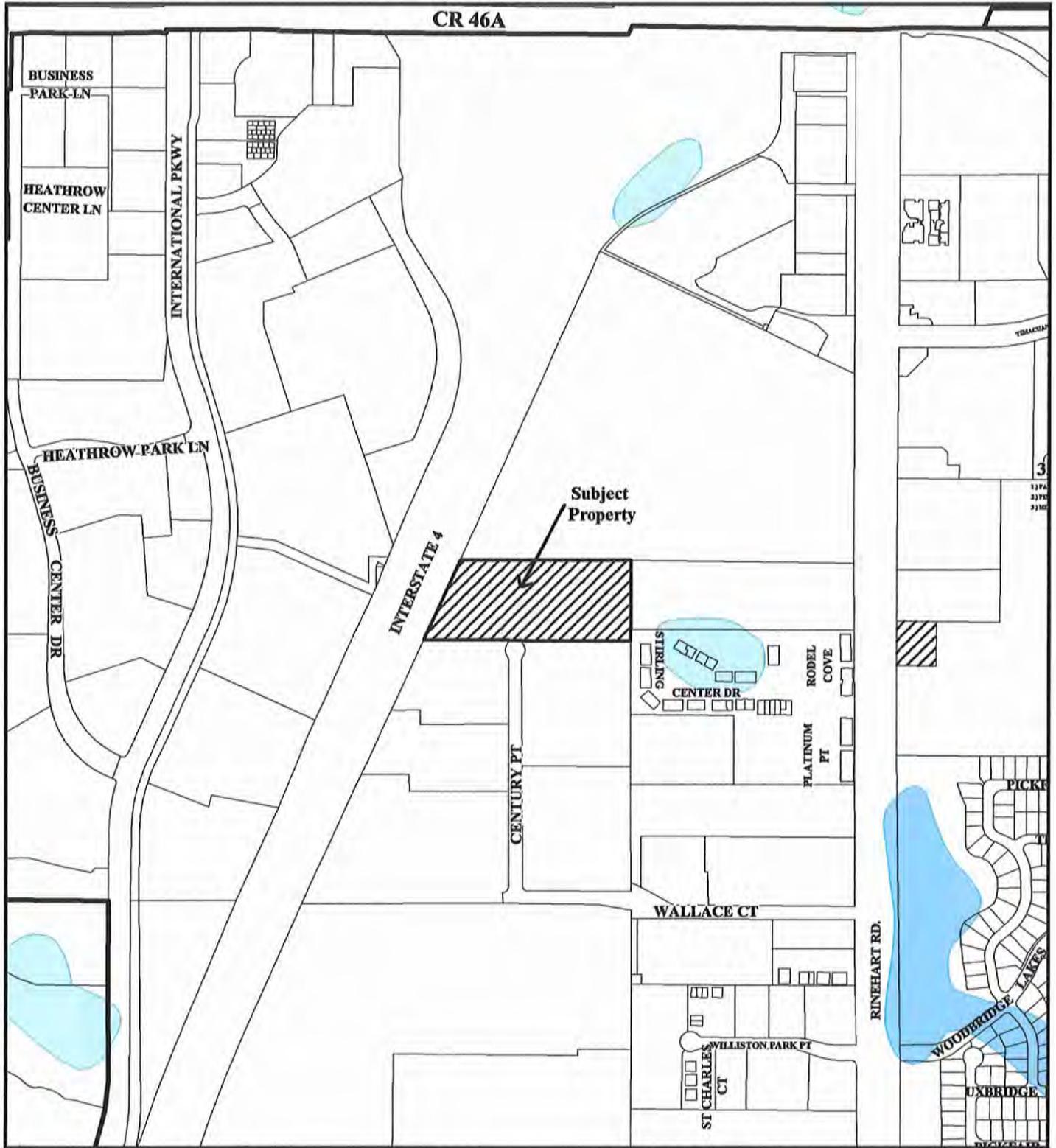
FOR THE USE AND RELIANCE OF THE
CITY OF LAKE MARY ONLY.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

CATHERINE D. REISCHMANN, CITY ATTORNEY

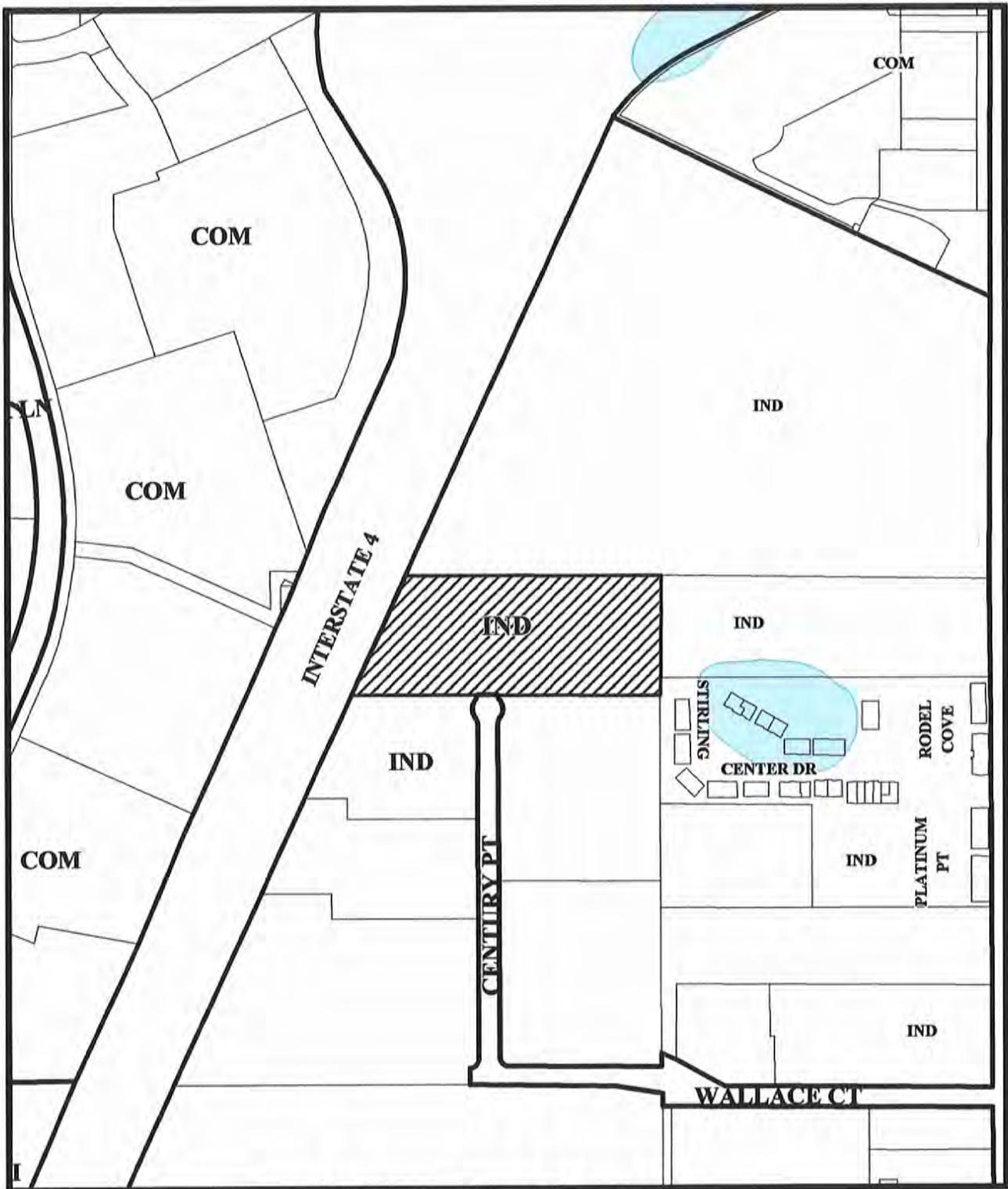
ATTACHMENT "A"
LEGAL DESCRIPTION

LEGAL SECTION 06 TOWNSHIP 20S RANGE 30E SOUTH 10 ACRES OF LOT
2 (LESS ST RD 400) OF THE OFFICAL RECORDS OF SEMINOLE COUNTY,
FLORIDA



Location Map Hepner Rezoning

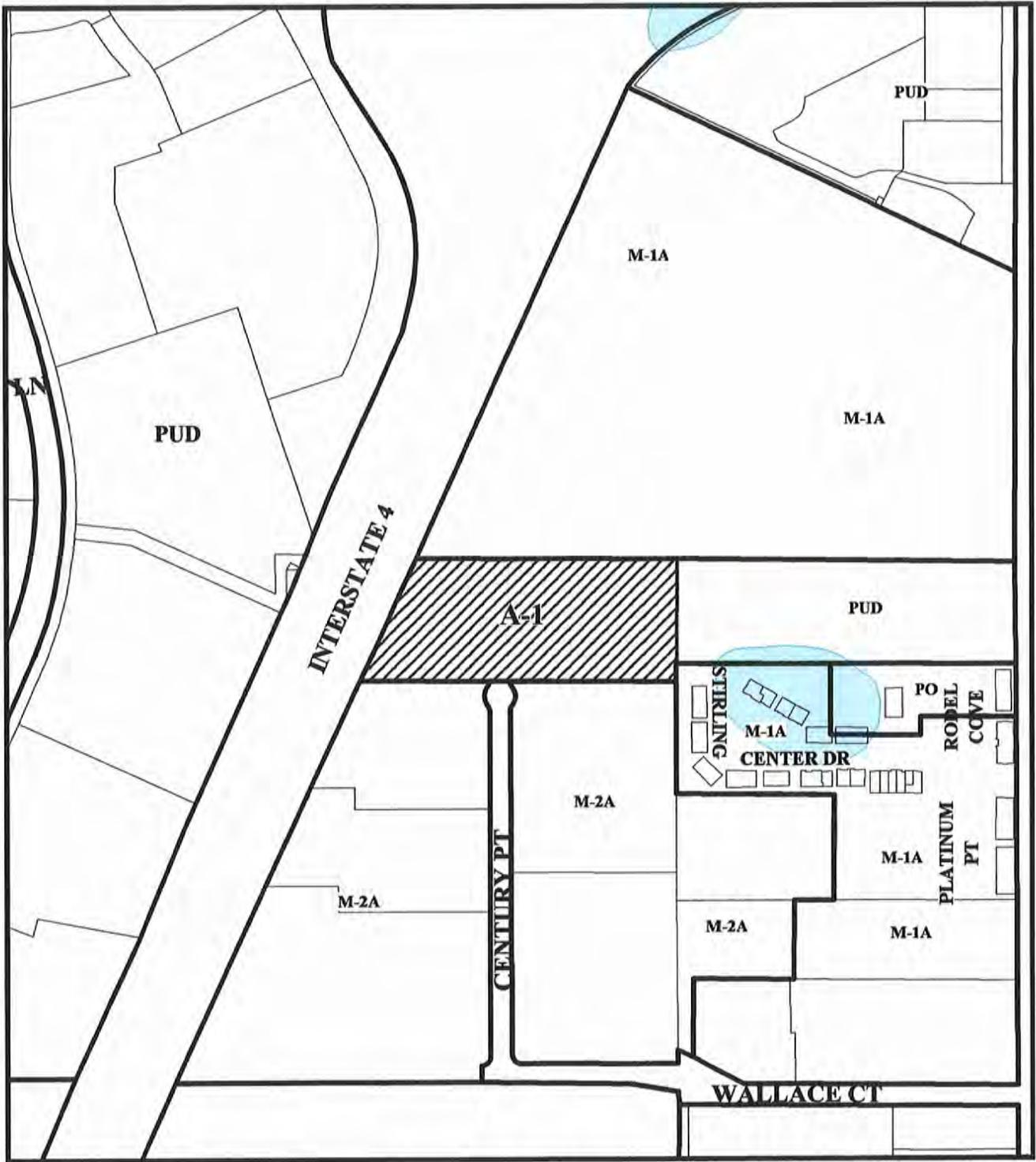




Future Land Use Map

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





Zoning Map

LEGEND

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





Interstate 4

Century Pt.



DRAFT

1 C. 2014-RZ-05: Recommendation to the City Commission for a rezoning from A-1
2 (Agriculture) to M-1A (Light Industrial) on property located at the north end of
3 Century Point at St. Peters Church, Lake Mary, Florida; Applicant: Mark
4 Harkins (Public Hearing)
5

6 Gary Schindler, City Planner, presented Item C. and the related Staff Report. A
7 copy of the Zoning Map was on the overhead projector. He said, this is the
8 property that backs up to St. Peters. Here is St. Peters Church right here
9 (indicating to overhead projector). 911 Wallace Court is here (indicating to
10 overhead projector). The only access to this property is on Century Point.
11

12 Mr. Schindler stated, the subject property is 7.7 acres. It has been tied up and –
13 it's been owned for a long time by a person that lived up in New England. That
14 person has died and now it's in a trust. At one time, we even tried to contact the
15 owner to suggest that if she would allow us to rezone it to M-1A, the City would
16 do it for free. Well, we never heard anything.
17

18 Mr. Schindler said, it has Office land use, and the intent has always been that
19 this property is going to develop in an M-1A Zoning District. Because of its
20 location and what's around it, the only thing I can conceive of would be either
21 Office or some very light manufacturing assembly-type uses. It's beautiful
22 property; it's heavily-wooded, in a natural state, but A-1 has pretty much evolved
23 into a holding category for the City. We only have two pieces of property in the
24 City that are really, truly A-1 in use. We have the property that's on the northeast
25 corner of Longwood-Lake Mary Road and Humphrey and then we have the
26 property that's on the southwest corner of Longwood-Lake Mary Road and Lake
27 Mary Boulevard. The rest of the A-1 property is really not used for agricultural
28 purposes, so this property has just been waiting to happen and now we have a
29 request for it to happen.
30

31 Mr. Schindler put a colored aerial on the overhead projector. He stated, you can
32 see how densely-wooded this is. This is in a natural state. One of these days, it
33 will develop. We'll just have to wait and see how it develops.
34

35 Mr. Schindler proceeded to review the four rezoning criteria listed in the Staff
36 Report. He said, the four criteria are all supporting a more intense zoning based
37 on the Industrial land use and the M-1A Zoning District is compatible with the
38 Industrial land use.
39

40 Mr. Schindler concluded his presentation by saying, that being said, the Findings
41 of Fact A. through D. listed in the Staff Report are determined to support the
42 requested rezoning of the subject property from A-1 (Agriculture) to M-1A (Light
43 Industrial) by establishing consistency and compatibility.

DRAFT

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Chairman Hawkins questioned, what's the difference between M-1A and M-2A?

Mr. Schindler answered, M-2A allows all the uses allowed in M-1A, plus those uses that the City Commission has determined to be more intense. M-2A allows adult entertainment uses. Understand that there are a whole host of locational separation requirements and things for adult entertainment. M-1A – most of the development we have along Rinehart and Lake Emma is M-1A. We have two spots of M-2A. So, M-1A develops mostly office and/or light manufacturing or assembly.

Alternate York asked, is there any reason that Mr. Harkins sought to rezone it just other than if we zone it, they will come?

Mr. Schindler responded, no, no. Not at all. One, it makes it more attractive and it's one step less that a potential purchaser has to do.

Juan (John) A. Omana, Jr., Community Development Director, announced this item is quasi-judicial in nature; that a Quasi-Judicial Sign-In Sheet (see attached) was located at the back of the chambers for any interested party to sign in order to be kept abreast of this matter.

Chairman Hawkins requested the Applicant to come forward and address the Board.

Mark Harkins, Applicant, 3595 W. Lake Mary Blvd., S. B, Lake Mary, Florida 32746, came forward in favor of the proposed rezoning.

Chairman Hawkins questioned Mr. Harkins if he had anything further to add to Mr. Schindler's presentation.

Mr. Harkins replied, no. Nailed it right on the head. Really just rezoning it for the client to really – for purposes of sale. It saves me 90 days on the time for the client so they can satisfy the trust requirements.

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

Chairman Hawkins commented that he didn't see any problem with this.

MOTION:

Member Schofield moved to recommend approval to the City Commission the request by Mark Harkins for a rezoning from A-1 (Agriculture) to M-1A

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(Light Industrial) on property located at the north end of Century Point at St. Peters Church, Lake Mary, Florida, consistent with staff's Findings of Fact listed in the Staff Report. Member Miller seconded the motion, which carried unanimously 5-0.

Mr. Omana announced this item will move forward to the City Commission's July cycle.

QUASI-JUDICIAL SIGN-IN SHEET

6/24, 2014
P42 MEETING
(please print)

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

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Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____



MEMORANDUM

DATE: August 7, 2014

TO: Mayor and City Commission

FROM: Stephen Noto, Senior Planner

THRU: John Omana, Community Development Director

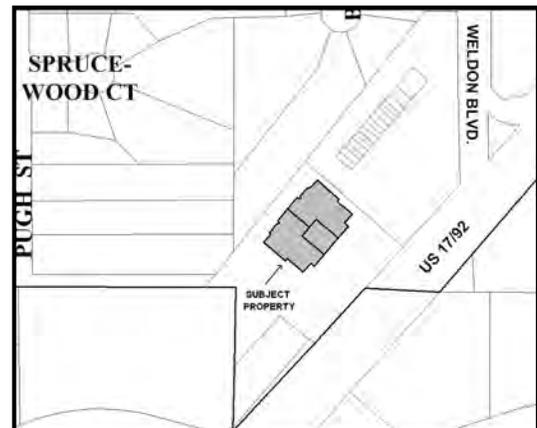
VIA: Jackie Sova, City Manager

SUBJECT: Request for a Conditional Use approval to allow a K-8 school (Seminole Science Charter School) to be located at 3580 N. U.S. Highway 17/92, Naeem Haider, MD/Mehmet Taskan, applicant (Public Hearing) (Steve Noto, Senior Planner)

APPLICANT: Seminole Science Charter School,
Mr. Mehmet Taskan

REFERENCE: City Code of Ordinances and
Comprehensive Plan

REQUESTS: The applicant is requesting conditional use approval for the operation of a K-8 Charter School to be located at 3580 N. U.S. Highway 17/92, which is zoned General Commercial (C-1). Per Section 154.68, Elementary, Middle, and High Schools are a conditional use within the C-1 zoning district. Section 154.68 also outlines additional criteria that will be reviewed after the conditional use findings below.



DISCUSSION:

Background: The original site plan for the subject property, known as the Victoria Square Plaza, was approved in March of 1990. The subject building was formerly a movie theatre and the Spirit of Truth Church. In 2008, the Spirit of Truth Church had a minor site plan approved in conjunction with interior building improvements and a new day care. A majority of the work was not finished.

Description: The applicant is proposing to operate a Charter School, known as Seminole Science Charter School (SSCS), within the existing +/- 34,000 sq. ft. building on the subject property. SSCS is a STEM (science, technology, engineering, and math) focused charter school. The school grades will be implemented in phases with the first phase being up to 400 students in grades K-5 during the first year. The grades will expand to K-8 in subsequent years, up to the building's maximum capacity. The school is planning to open in August 2015. The proposed hours of operation are 7:30am to 6:00pm. There will be 55 employees.

At their November 19, 2013 meeting, the Seminole County School District approved the charter school application submitted by Discovery Education Services, Inc. (the applicant's charter holder). The applicant has also completed the Stage II proposal via the Florida Department of Education. Their project grant award from the state is \$365,000.00.

Zoning

NW R1AA	N R1AA	NE C1
W R1AA	SITE C-1	E Sem. Cty.
SW C-1	S Sem. Cty.	SE Sem. Cty.

Future Land Use

NW LDR	N RCOM	NE RCOM
W LDR	SITE RCOM	E Sem. Cty.
SW COM	S Sem. Cty.	SE Sem. Cty.

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?	The operation of a charter school at this location complies with all applicable elements of the City's Comprehensive Plan.
1. YES	

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?	Currently, there are two main access points onto the property. The first is from 17/92, and the second is from the adjacent property to the NE. The applicant has submitted a traffic circulation plan, which is attached to this staff report, showing the potential traffic flow patterns, including a drop off zone. Staff has reviewed the plan and feels that it is adequate. That being said, one of the conditions of approval is that prior to the school expanding from K-5 to K-8, that the applicant coordinate with the City to review the traffic patterns. Additionally, FDOT will soon begin construction on a widening project for US HWY 17/92. As part of the project, the median that is adjacent to the southern entrance on the subject property will be closed. Staff feels that this will have a positive impact on safety as it relates to vehicles trying to enter the site at that entrance.
1. YES	

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 charter school will not present any economic, noise, glare or odor effects to adjoining properties or other properties. Aside from the playground area, all activities will occur indoors. The closest home from the playground area is approximately 537' to the west. There is also a significant amount of vegetation between the center and the homes to the west that will go undisturbed.
1. YES	

PROVISION No. 4:

Acceptable location, availability, and compatibility of utilities.

FINDINGS OF FACT No. 4:

Provision met?	The location is acceptable and is compatible to utilities. Both the subject property and adjacent property are commercial in nature. Therefore, all utilities are available.
1. YES	

PROVISION No. 5:

Acceptable screening and buffering.

FINDINGS OF FACT No. 5:

Provision met?	While the charter school will be operating in an existing building that has an approved site plan, the parking lot and lot landscaping need attention. That being said, the applicant is coordinating with City and County staff to explore the potential of obtaining CRA funds, as the subject property is within the 17/92 CRA corridor. The applicant has stated that funding for such improvements would be a welcome opportunity as it would reduce their site improvement costs. While not a condition of approval, staff will continue to encourage the applicant to pursue this opportunity as it will not only benefit the subject property, but the CRA corridor including the adjacent businesses.
1. YES	

PROVISION No. 6:

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

FINDINGS OF FACT No. 6:

Provision met?	The proposed charter school would be functioning in an existing commercial complex, the Victoria Square Plaza. The site and adjacent are part of the 17/92 commercial corridor. 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 Charter School to be located at 3580 N. U.S. Highway 17/92 within the General Commercial (C-1) zoning district does not adversely affect the public interest, and is a reasonable request based on the aforementioned findings of fact and recommends approval with the following conditions:

1. Prior to the school expanding from K-5 to K-8, that the applicant coordinate with the City to review the traffic patterns.
2. Applicant shall address any and all site deficiencies, i.e. landscaping, paving, etc., prior to opening the charter school.

SIMILAR CONDITIONAL USE REQUESTS:

Staff was unable to locate any similar requests for charter schools in the C-1, General Commercial, zoning district.

ADDITIONAL LOCATIONAL CRITERIA: § 154.68 of the Code states that in reviewing a proposed location for consistency with the Comprehensive Plan, the city shall consider the following additional locational criteria during the public hearing process:

PROVISION No. 1:

The school site shall be of sufficient size to ensure that the building and ancillary facilities are located away from flood plains, flood prone areas, wetlands and other environmentally sensitive areas, including historic or archeological resources. School size and land area requirements for public schools should meet the minimum standards of the Seminole County School Board.

FINDINGS OF FACT No. 1:

Provision met?	The proposed charter school will be located within an existing structure that is part of a built-out commercial center. The applicant has not stated that there are any environmental issues on site. Additionally, the applicant is coordinating with the State and the Seminole County School Board on licensing, etc. At their November 19, 2013 meeting, the Seminole County School District approved the charter school application submitted by Discovery Education Services, Inc. (the applicant's charter holder). The applicant has also completed the Stage II proposal via the Florida Department of Education. Their project grant award from the state is \$365,000.00.
1. YES	

PROVISION No. 2:

Public schools shall be centrally located within their intended attendance zones to the maximum extent possible.

FINDINGS OF FACT No. 2:

Provision met?	The applicant has been coordinating the project with Seminole County Public Schools, and the State Department of Education. Locational criteria has been met through the coordination process.
1. YES	

PROVISION No. 3:

Central water and sewer facilities shall be available to the site and stormwater provisions must meet extent possible.

FINDINGS OF FACT No. 3:

Provision met?	The proposed location is within a developed center with acceptable facilities and provisions.
1. YES	

PROVISION No. 4:

Access to the site shall be from a collector or minor collector road and sufficient vehicle stacking lanes should be provided to avoid detrimental impacts on adjacent roads.

FINDINGS OF FACT No. 4:

Provision met?	Access is available from US HWY 17/92 as well as Weldon Blvd. The applicant is coordinating with staff to ensure there will be proper stacking to avoid detrimental impacts on adjacent roads.
1. YES	

PROVISION No. 5:

Schools shall be designed to minimize the impacts to adjacent land uses through control of site aspects such as traffic, landscaping, buffers and building layout. Schools shall also provide safe access for pedestrians, cars, and buses and shall be encouraged to provide for convenient access to mass-transit.

FINDINGS OF FACT No. 5:

Provision met?	Access is available from US HWY 17/92 as well as Weldon Blvd. The applicant is coordinating with staff to ensure there will be proper stacking to avoid detrimental impacts on adjacent roads.
1. YES	

PROVISION No. 6:

School sites shall be located away from land uses that generate noise, odors, dust, truck traffic and/or other hazards to the health and safety of the students.

FINDINGS OF FACT No. 6:

Provision met?	The surrounding land uses are commercial and residential in nature that do not generate noise, odors, dust, truck traffic and/or other hazards to the health and safety of the students.
1. YES	

PROVISION No. 7:

New elementary, middle or high schools shall not be located in the city's High-Tech Industrial Corridor which is targeted for major economic growth and development.

FINDINGS OF FACT No. 7:

Provision met?	The subject property is not within the City's High-Tech Industrial Corridor.
1. YES	

PROVISION No. 8:

Elementary and middle schools should be located where land uses are predominately low-medium to high density residential and include housing types and densities sufficient to meet the school's enrollment capacity with students that are predominately within walking distance of the school.

FINDINGS OF FACT No. 8:

Provision met?	The subject property is adjacent to LDR and MDR Future Land Uses along Weldon Blvd. and Lake Rd.
1. YES	

PROVISION No. 9:

High schools shall be located away from residential areas unless there is sufficient buffering to protect the adjacent land uses from the intensity and activity of the school. The campus should provide adequate on-site parking.

FINDINGS OF FACT No. 9:

Provision met?	The proposed charter school will not have high school grades.
1. YES	

PROVISION No. 10:

If the city determines that the site is consistent with the Comprehensive Plan as outlined above, the only remaining requirements to commence construction is city determination that the site plan complies with state and local laws, building permit and site permit issuance, as applicable.

FINDINGS OF FACT No. 10:

Provision met?	The site is consistent with the Comprehensive Plan as outlined above and will coordinate with the applicant to ensure that the site complies with state and local laws, building permit and site permit issuance, as applicable.
1. YES	

PLANNING AND ZONING BOARD: At their regular July 8, 2014 meeting, the Planning and Zoning Board voted unanimously, 5-0, to recommended approval of proposed Conditional Use, per the findings of fact and staff's two conditions.

ADDITIONAL INFORMATION:

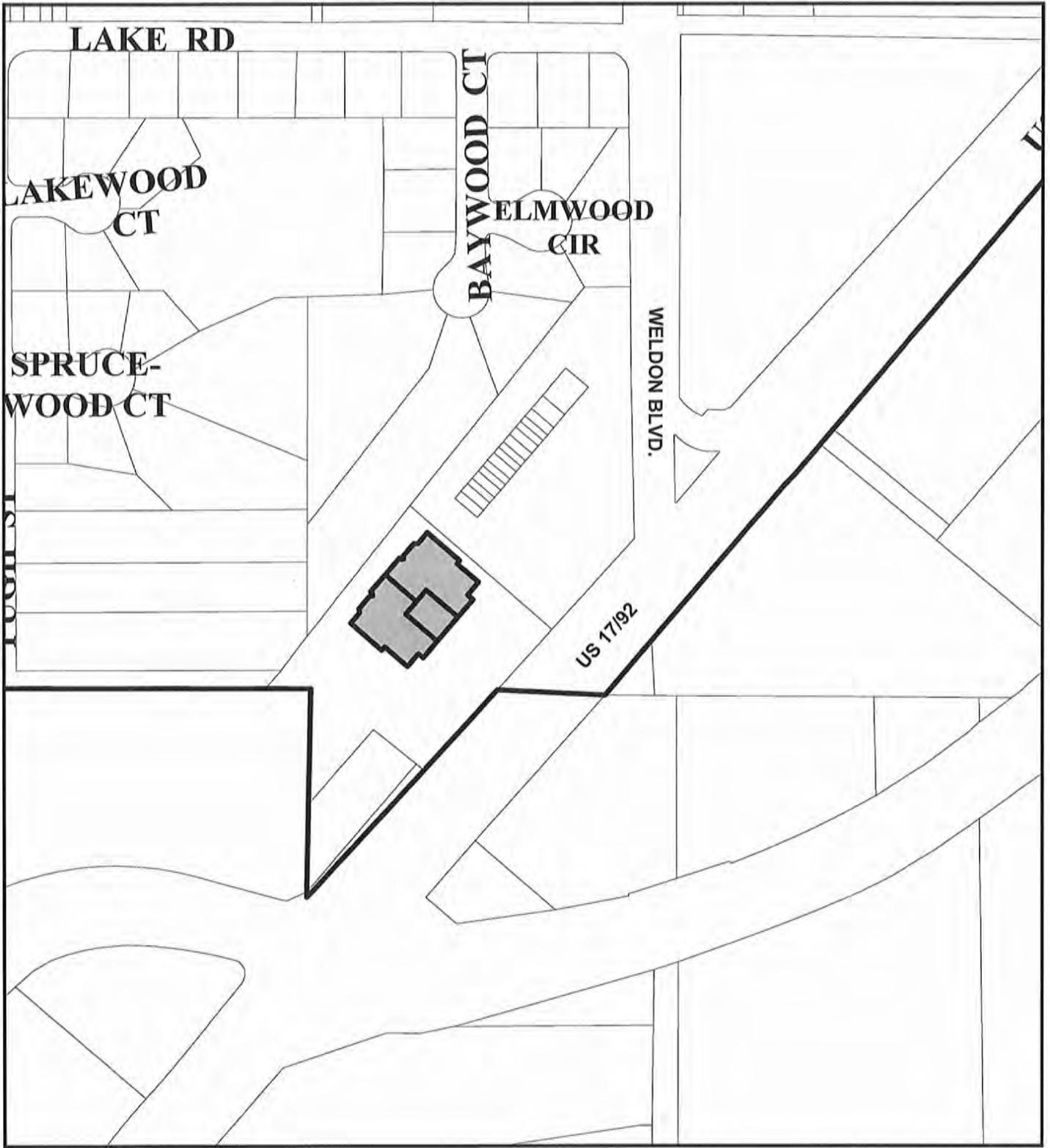
§ 154.72(B) In approving any conditional use, the Planning and Zoning Board may also require appropriate conditions and safeguards as part of the terms under which the conditional use permit is granted. Violations of those conditions and safeguards shall be deemed a violation of this section.

§ 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.

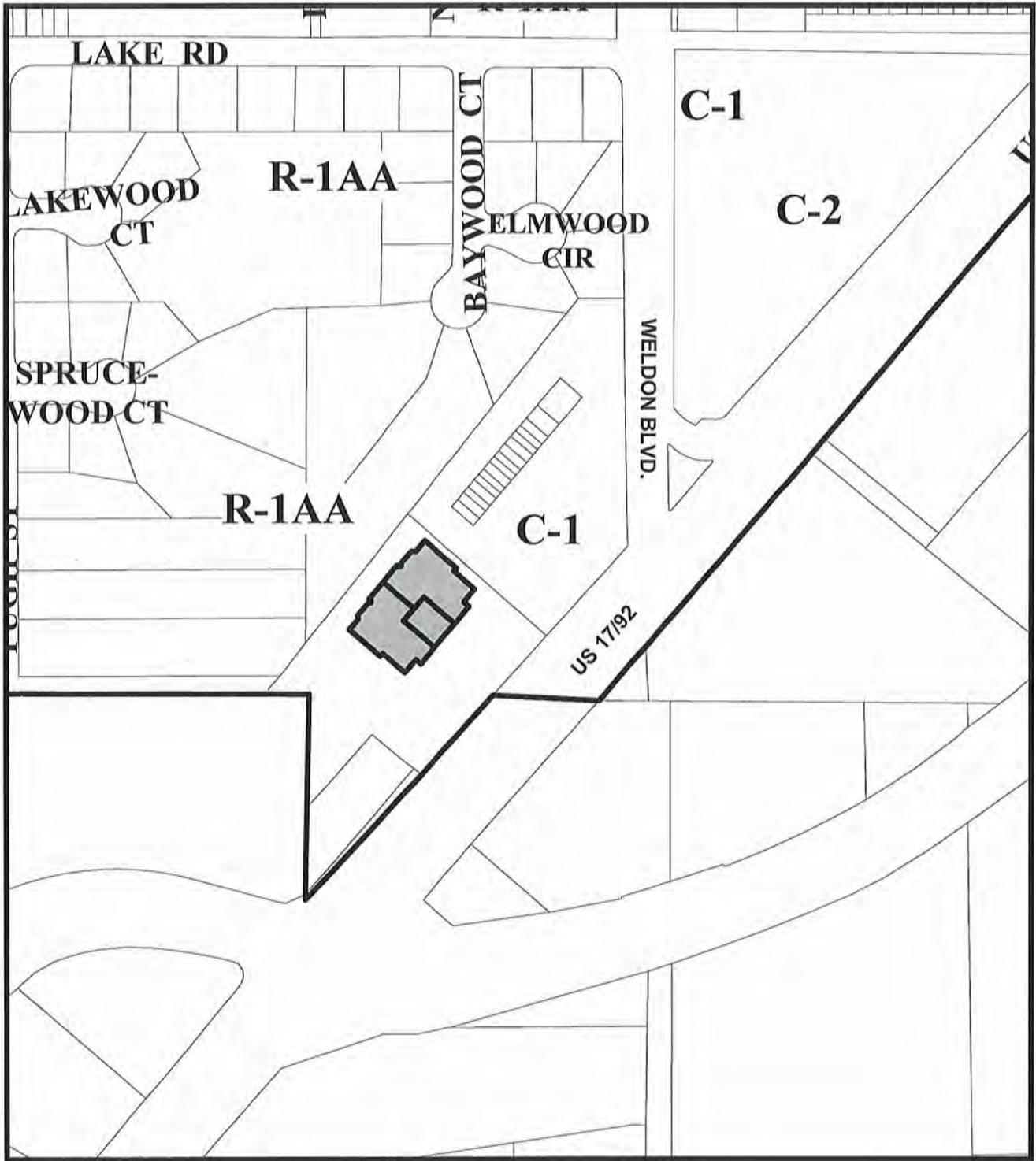
ATTACHMENTS

- Location map
- Zoning Map
- Future Land Use Map
- Aerial of Property
- Traffic Flow Map
- Applicant Request Letter
- July 8, 2014 Planning & Zoning Board Minutes



Location Map
3850 N. U.S. HWY 17/92





Zoning Map



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



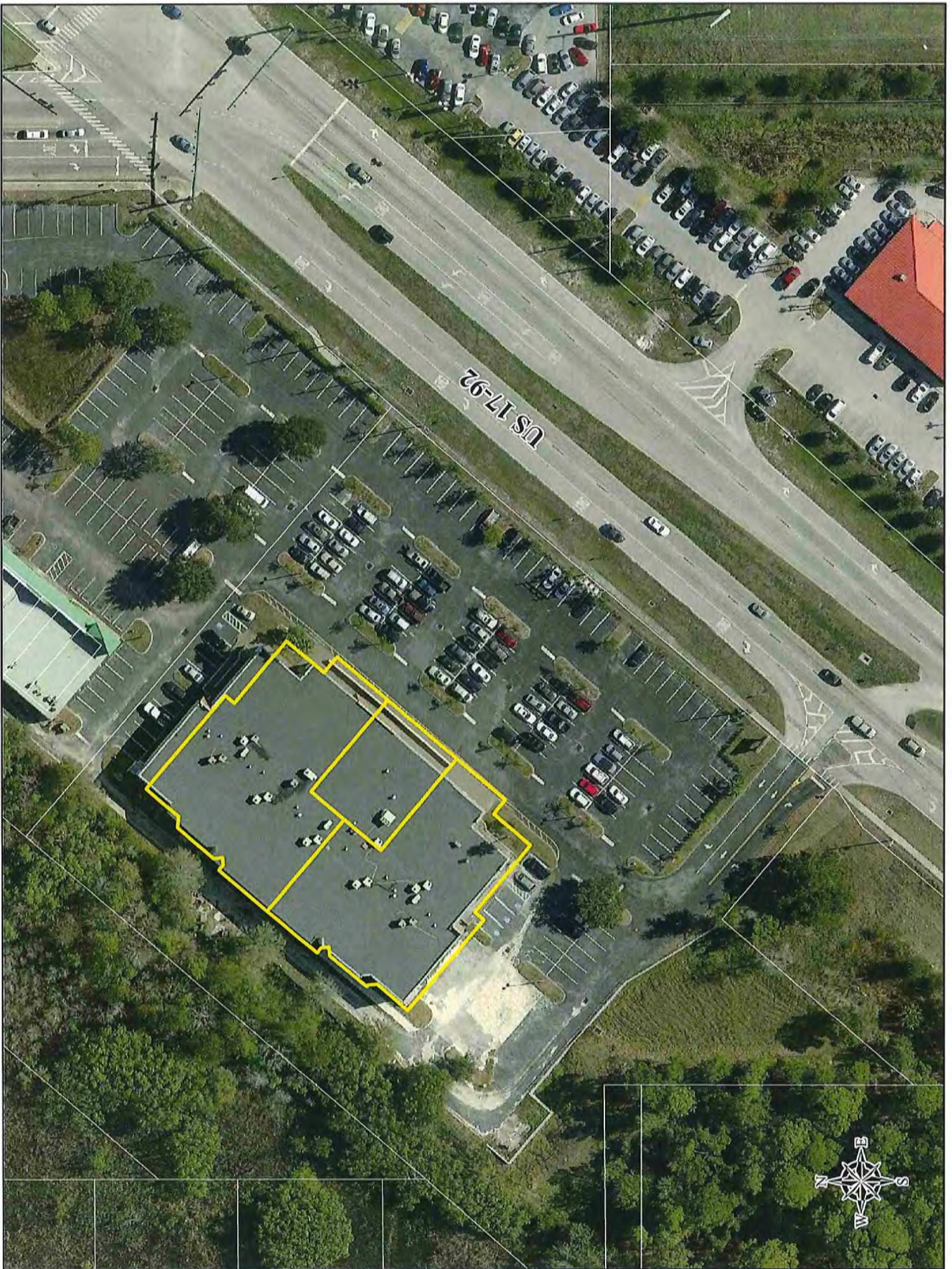


Future Land Use Map



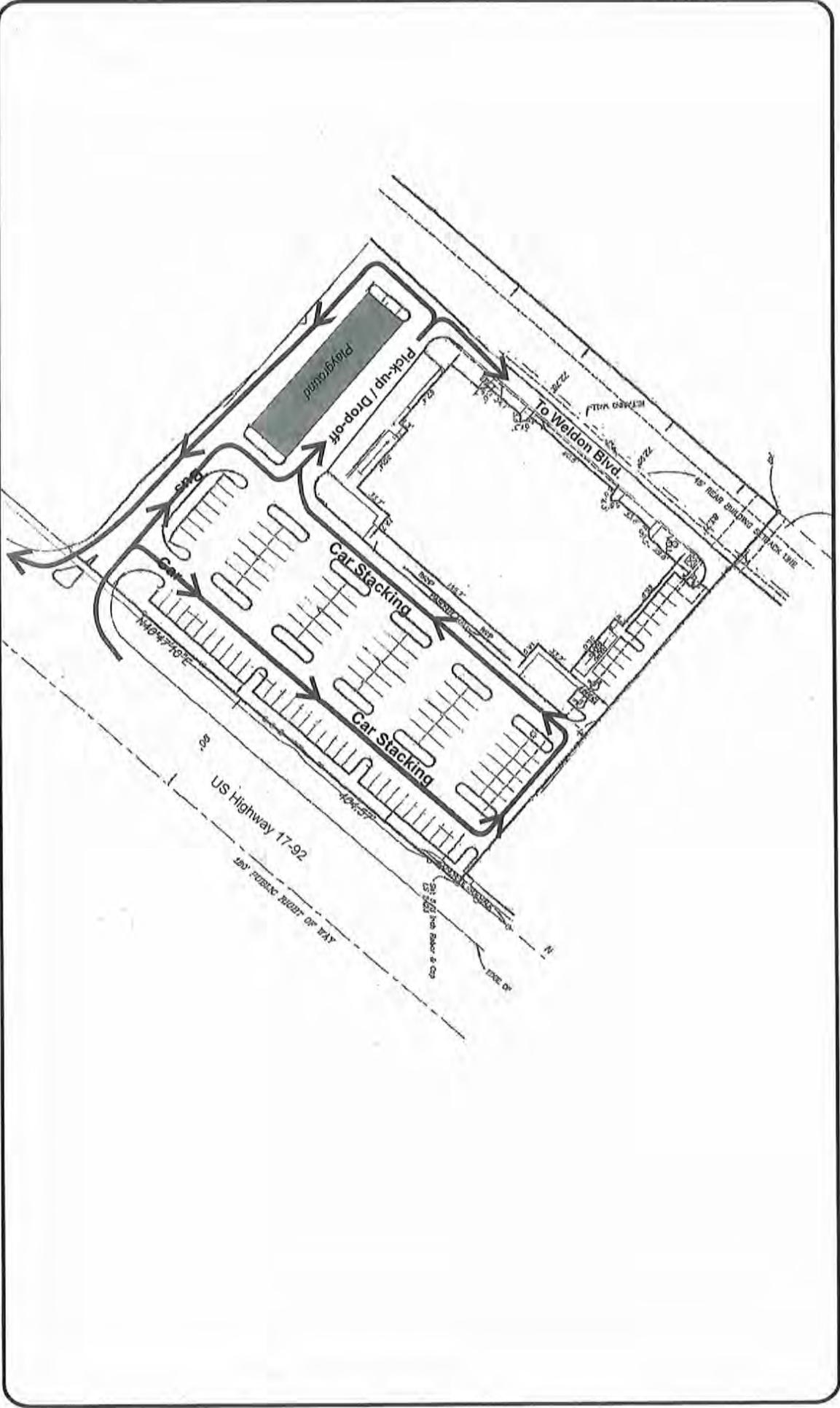
RR Rural Residential	OFF Office	PUB Public / Semi-Public Lands
LDR Low Density Residential (Max 2.5 DU / Acre)	RCOM Restricted Commercial	DDD Downtown Development District
LMDR Low / Medium Density Residential (Max 4 DU / Acre)	COM Commercial	REC Recreation
MDR Medium Density Residential (Max 6 DU /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





US 17-92





Seminole Science Charter School

Seminole Science Charter School is a STEM focused Kindergarten through 8 grade public charter which is approved by Seminole County Public Schools. The mission of the school is to provide students with a well-rounded elementary and middle school (K-8) education through teaching of mathematics and science in the light of proven and innovative instructional methods in a stimulating environment. The purpose is to prepare students to reach their maximum potential in all subjects with special emphasis on mathematics, science, and reading using research based exemplary curricula

Project Description -

The applicant is requesting Conditional Use Permit to allow conversion of an existing church building located at 3580 N US Hwy 17-92, Lake Mary, FL 32746 to a K-8 public charter school.

The applicant is proposing to admit 400 K-5 grade students in the first year of the school operation; the grade levels will be expanded to K-8 in the following years with adding new students up to the building's maximum occupancy. The School plans to start operation in August 2015.

The school is expected to have about 55 employees including faculty and staff members. Since it is a new school, the applicant will be generating 55 employment positions.

RECEIVED
JUN 03 2014
CITY OF LAKE MARY
COMMUNITY DEVELOPMENT DEPT.

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1 VIII. New Business

- 2
3 A. 2014-CU-01: Recommendation to the City Commission for a Conditional Use
4 application to allow a K-8 school (Seminole Science Charter School) to be
5 located at 3580 N. U.S. Highway 17-92, Lake Mary, Florida; Applicant: Naeem
6 Haider, MD/Mehmet Taskan (Public Hearing)

7
8 Chairman Hawkins announced this item is quasi-judicial in nature; that a Quasi-
9 Judicial Sign-In Sheet (see attached) was located at the back of the chambers for
10 any interested party to sign in order to be kept abreast of this matter.

11
12 Stephen Noto, Senior Planner, presented Item A. and the related Staff Report. A
13 colored aerial was on the overhead projector. Mr. Noto announced Tom
14 Tomerlin, the City's new Economic Development Manager, to the P&Z Board.
15 He said that Mr. Tomerlin is present this evening because he has had some
16 working relationship with the Applicant in regards to the CRA that this property is
17 a part of.

18
19 Chairman Hawkins welcomed Mr. Tomerlin aboard.

20
21 Mr. Tomerlin thanked Chairman Hawkins.

22
23 Mr. Noto stated, the subject property – the aerial that's on the overhead right now
24 -- just so we can all get our bearings straight, 17-92 north is to the right. You can
25 see a little smidgeon at the bottom right hand corner of the screen here
26 (indicating to overhead projector). That's Weldon Boulevard (indicating to
27 overhead projector). So, if you follow the red laser, Seminole State College is up
28 the road there. This is within the Victoria Square Plaza. If you recall, the Spirit of
29 Truth Church occupied this building for a many number of years, and the
30 Applicant is before you this evening seeking Conditional Use approval to operate
31 a charter school in that building. They would not own the property. As you can
32 see by the GIS map, this building is condo'd out. So, if approved and if they
33 continue moving forward, they would just own the building. That doesn't mean
34 that they can't make improvements to the site. They, most likely, will have to.
35 You will see the dirt pile here. If you recall, several years ago Spirit of Truth
36 came in for a Minor Site Plan and they were going to improve that area with
37 playground equipment and such, and as you can see, it's still dirt. Not to jump
38 ahead, but the Applicant is also proposing to have a playground and such in that
39 area, but we'll get to that in a little bit.

40
41 Mr. Noto said, the charter school will be known as the Seminole Science Charter
42 School. It would operate within the 34,000 square-foot building that is shown on
43 the overhead, and it would be a STEM school, which stands for Science

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Technology Engineering Math. The first batch of grades that would operate in the facility would be kindergarten through fifth grade. The conditional use request is for kindergarten through eighth -- the reason being is they look to expand the grades after the initial kickoff of K through 5 -- with up to 400 students. They are looking to open next August 2015. The hours of operation will be 7:30 a.m. to 6:00 p.m. with approximately 55 employees. The way charter schools work is they have to get approved by the State and, of course, the Seminole County Public Schools system. They have already gone through the County to operate within the County and they are currently working with the State to continue on through that process. And, as I have noted in the Staff Report, they have already completed the stage two proposal and their current project grant award from the State is \$365,000.

Mr. Noto stated, so, we have the conditional use before you this evening. We have our typical six findings of fact having to do with compliance with the Comp. Plan, traffic flow, things of that nature. Since it's a school, there are other findings of fact that we had to take into account and I'll go over those after I get through the conditional use portion of this.

Mr. Noto put a Google colored aerial on the overhead projector. He said, one item I will touch upon as it relates to the conditional use provisions -- I have on the overhead here a Google aerial so we can get a better handle on the entire site. Here is the subject building here (indicating to overhead projector). Let's talk about access and traffic flow here for a moment as that's the second provision of the findings of fact. There are two access points onto the subject property; one is from 17-92 to the south here (indicating to overhead projector), and the other is from Weldon. There is the traffic signal at 17-92 and Weldon. One thing I would need to emphasize is -- you can see this curb cut here (indicating to overhead projector). Let me see if I can move the map a little bit. There we go. You see this curb-cut (indicating to overhead projector), so, folks that are going northbound currently can turn left here (indicating to overhead projector) and get into the plaza. That's all fine and dandy; however, in the next couple of years, FDOT is going to begin a massive work project on 17-92 and they will be closing that median. So, if you are going northbound on 17-92, your only way into this area would be to turn left on Weldon and then left at the access point here (indicating to overhead projector) by the UCP business and then cut through the site.

Mr. Noto stated, on the surface, that may seem inconvenient; however, we are very familiar with this intersection. We are pleased that this cut is going to be closed. It's very unsafe in that area and then throw in the additional traffic that occurs when you have a school in the morning hours and the evening rush hour, closing that cut is certainly a much better scenario as now traffic would be going

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1 through the signal either to do a U-turn, if they want to, or turn left up Weldon and
2 have access through the site.

3
4 Mr. Noto said, there currently is a cross-access easement, so folks that are
5 turning in at the northern portion, legally, can cut through here (indicating to
6 overhead projector) and get to where the school would be operating from.

7
8 Mr. Noto proceeded to put a copy of a document entitled Traffic Circulation Plan
9 on the overhead projector. He stated, I will change gears here just a shade to
10 show that they did provide a traffic flow plan. This is within your Staff Report.
11 Just for purposes of what we're doing here, this is a brand new Elmo system that
12 was just installed today, so the quality of our graphics are much improved. And
13 this is, for the record, the Traffic Circulation Plan. You can see the existing
14 building here (indicating to overhead projector). Their plan for circulation – folks
15 coming south on 17-92 would turn right into the plaza, make an immediate right,
16 if you're a car, and stack as such, as shown on the arrows here (indicating to
17 overhead projector), and the pick-up/drop-off would be on the southern portion of
18 the building. Here you can see – it's hard to read, but that's where the
19 playground would be (indicating to overhead projector). You can turn right to
20 head to Weldon or you can turn left and go back out 17-92 southbound if you
21 wish. The bus, as you can see it here (indicating to overhead projector), would
22 go straight through into the drop-off/pick-up area.

23
24 Mr. Noto said, now, at this point, we're just reviewing the conditional use, so we
25 haven't really gotten into any site improvements that may or may not need to
26 happen as part of this project. That being said, some of the provisions for the
27 conditional use have to do with screening/buffering, things of that nature. It's an
28 existing facility, but I think we all are familiar with the fact that the landscaping
29 along 17-92 in some of the internal areas aren't exactly "kept" very well. This
30 project and the Applicant – this is very timely because, as I alluded to earlier,
31 they are within the 17-92 CRA. The CRA is kind of up in the air at this point as to
32 whether or not it's going to exist until at sunset, which I believe is 2017 -- Tom, is
33 that correct? (Mr. Tomerlin nodding affirmatively from his seat in the audience).
34 He stated, Lake Mary has never – we haven't had very many projects, if any, get
35 funding from the CRA. We got very excited when the Applicant came forward for
36 this because we said, well, look, there is a huge pot of money. No one from the
37 City has really used any of it. This is a perfect opportunity for you to tap into that
38 fund and do some major improvements and help pay for whatever you need to
39 do to improve the site. But, as I said, we're not necessarily at the site
40 improvement stage at this point; however, there is a lot of money available to
41 make those landscape improvements, whatever improvements need to be made
42 in the back, help with traffic circulation, lighting, whatever it may be. The sky is
43 basically the limit. I mean, there is, of course, a maximum financial amount they

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can ask for, but compared to what's out there now, we really see this as an opportunity to improve upon the site as it is today.

Mr. Noto said, from the conditional use standpoint and as I outlined in your Staff Report, we have found that the request for a conditional use has met the Code, has met all six findings. We are recommending approval of the conditional use with the two conditions. And I'm going to continue after this, but just for purposes of the order of the Staff Report, the first condition is, prior to the school expanding from K-5 to K-8, that the Applicant coordinate with the City to review the traffic patterns. And, number two, the Applicant shall address any and all site deficiencies, i.e., landscaping, paving, etc., prior to opening the charter school. As I said, they are looking to open next August. Plenty of time to work with us, plenty of time to deal with the County and the CRA, so we certainly have quite a nice time table to work with them to improve the site.

Mr. Noto stated, now, I did mention there are 10 other findings that we had to review for this application because it is a school. Chapter 154.68 basically states that we need to find it consistent with the Comp. Plan and some other locational criteria that is outlined within the Code. A lot of the provisions really – some of them have more to do with School Board review such as – you can see in the second provision that the school be centrally located within the intended attendant zone. We don't really get involved with attendant zones and such, but you can see the first finding of fact having to do more with sufficient size of the building, and that's kind of – while the building is a fine size, the number of people that can be in that building, that's something that will be set by the State and the Fire Marshal when we get to that point, and they will continue to work with the State, the County, and the City staff to ensure that the appropriate number of people are within that building. And I already went over traffic circulation. We feel that the roadway system that's out there today is sufficient to handle this type of use. The improvements that will be done by the State on 17-92 will assist with more efficient traffic flow. It's not located in an area with poor or incompatible land uses around it. We have single-family residential to the west. To the north, multi-family, but to the northeast, all types of land uses that would like to see around a school of this type. And, of course, it's not within the High-Tech protection Corridor, which is great. So, we also found that the request met the 10 provisions for locational criteria as outlined by Chapter 154.68. Mr. Noto concluded his presentation by saying, we are recommending approval of this request. The Applicant is present this evening if you have specific questions as to the operations of the school, how they got to where they are today, things of that nature. Dr. Tomerlin is here from an economic development perspective, and, of course, I'll be happy to take any questions you may have.

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Chairman Hawkins asked, the site is considered – what's that – it's not the whole shopping center?

Mr. Noto answered, correct. We're talking about this building, but, ultimately, it's this rectangle here (indicating to overhead projector) that we're discussing.

Vice Chairman Taylor questioned, would there be busing to the school, or would it be the responsibility of the parents to drop off?

Mr. Noto responded, our understanding is that they do plan on having buses. Where the buses will be stored and how they would be operated, we haven't discussed that at this point.

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

Yalcin Akin, Ph.D, Applicant Representative/Director of School, 2427 Lynx Lane, Orlando, Florida 32804, came forward in favor of the proposed conditional use.

Chairman Hawkins asked Mr. Akin if he had anything further to add to Mr. Noto's report.

Mr. Akin replied, just that I want to say that we have been operating a charter school in Orlando, which is Orlando Science School, for six years. We are very much happy to have a charter approved from the Seminole County School Board and we are happy to be opening our school in the City of Lake Mary. Thank you so much for giving us this opportunity.

Chairman Hawkins expressed the City's appreciation to Mr. Akin for coming to Lake Mary.

Chairman Hawkins questioned Mr. Tomerlin if he had anything further to add.

Tom Tomerlin, City of Lake Mary Economic Development Manager, answered, I'll just echo a couple of things Steve said. The project is occurring in a special area. The special area is a Community Redevelopment Area, and the standard on a Community Redevelopment Area is, essentially, the elimination of slum and blight. As Steve stated, having a charter school here – we're looking at this extremely favorably because we're looking at some additional traffic flow that's going to come on a periodic basis and we hope there's going to be kind of an economic ripple effect that occurs throughout that entire plaza. You see the plaza to the north and if you're familiar with that area, we'd like to see that area get a little bit more activity. So, we're looking at it really favorably that way. We

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have interacted with the County who administers the CRA (Community Redevelopment Area) to try to help secure grant funds. Right now they are trying to figure out what to do before sunset, which does occur in 2017, and one of the things they're tossing around is what to do with grants to private organizations. We believe that we have a strong probability of negotiating some kind of grant through that program to help some kind of site improvement to have this particular site development stand out with respect to maybe its landscaping, maybe some of its façade improvements. With that, that's really all I can add to the project. If you have any questions, I'm happy to address them.

There being no questions of Mr. Tomerlin, Chairman Hawkins opened the hearing to public comment. Hearing none, he closed that portion and entertained board discussion and/or a motion.

Member Miller commented, seems all good for the City.

Chairman Hawkins concurred.

MOTION:

Member Schofield moved to recommend approval to the City Commission the request by Naeem Haider, MD/Mehmet Taskan for a Conditional Use application to allow a K-8 school (Seminole Science Charter School) to be located at 3580 N. U.S. Highway 17-92, Lake Mary, Florida, consistent with all of staff's findings listed in the Staff Report and subject to the following two conditions. Member Miller seconded the motion, which carried unanimously 5-0.

CONDITIONS:

- 1. Prior to the school expanding from K-5 to K-8, that the Applicant coordinate with the City to review the traffic patterns.**
- 2. Applicant shall address any and all site deficiencies, i.e., landscaping, paving, etc., prior to opening the charter school.**

Mr. Noto announced this item will move forward to the City Commission's August cycle.

QUASI-JUDICIAL SIGN-IN SHEET

7/8, 2014
P+2 MEETING
(please print)

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

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Item of Interest _____

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Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____



MEMORANDUM

DATE: August 7, 2014

TO: Mayor and City Commission

FROM: Jackie Sova, City Manager

SUBJECT: Resolution No. 942 - Annual Local Improvement and Essential Service Assessments for Lake Mary Woods Wastewater Improvements (Jackie Sova, City Manager)

In accordance with Ordinance No. 1166 relating to capital improvements and essential services providing a special benefit to local areas within the City, staff has prepared the attached Resolution. The Ordinance requires the City Commission, during its budget adoption process, to adopt an Annual Local Improvement and Essential Service Assessment Resolution for each fiscal year in which assessments for Lake Mary Woods will be imposed re-approving the assessment roll. As you know, this is the final year of the program. Thirteen property owners have paid the assessment in full with the remaining ninety three being billed \$574.43 on their property tax bill.

RECOMMENDATION:

The Commission adopt the attached Annual Local Improvement and Essential Service Assessment Resolution for Lake Mary Woods Wastewater Improvements.

RESOLUTION NO. 942

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE MARY, FLORIDA, APPROVING THE ASSESSMENT ROLL FOR THE LAKE MARY WOODS ASSESSMENT AREA ESTABLISHED PURSUANT TO ORDINANCE NO. 1166; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLLS BE CERTIFIED TO THE SEMINOLE COUNTY TAX COLLECTOR; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission (the "Commission") of the City of Lake Mary, Florida, enacted Ordinance No. 1166 on June 2, 2005, (the "Ordinance"), to provide for the creation of the assessment areas and authorize the imposition of special assessments to fund the local improvements to serve the property located therein; and

WHEREAS, pursuant to the Ordinance, the Commission created and imposed a special assessment within the Lake Mary Woods Assessment Area on August 25, 2005; and

WHEREAS, pursuant to the provisions of the Ordinance, the Commission is required to adopt an "Annual Assessment Resolution" during its budget process for each fiscal year to approve the assessment roll for such fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE MARY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are affirmed and incorporated as part of this resolution.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the Ordinance, Chapter 166, Florida Statutes, and other applicable provision of law.

SECTION 3. DEFINITIONS. This Resolution is the Annual Local Improvement Assessment Resolution as defined in the "Ordinance". All capitalized terms in this resolution shall have the meanings defined in the "Ordinance" and the implementing resolutions adopted pursuant thereto.

SECTION 4. APPROVAL OF ASSESSMENT ROLLS. The assessment rolls on file with the City Clerk for the Lake Mary Woods Assessment Area are hereby approved. Pursuant to Section 197.3632, Florida Statutes, each assessment roll shall be certified to the Seminole County Tax Collector prior to September 15th of each year.

SECTION 5. ASSESSMENT LIENS. Special Assessments imposed within the assessment area listed on the rolls described in Section 4 hereto shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption of this Resolution and shall attach to the property included on the assessment roll as of January 1 of this tax period, the lien date for ad valorem taxes.

SECTION 6. SEVERABILITY. If any section, clause, phrase, word, or provision of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

SECTION 7. EFFECTIVE DATE. This Resolution shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED this 7th day of August, 2014.

CITY OF LAKE MARY, FLORIDA

DAVID J. MEALOR, MAYOR

ATTEST:

CAROL A. FOSTER, CITY CLERK

2220305050B000130	KEATLEY DEBRA A & ERIC J			344	SPARROW WOOD	CT	1	\$574.43	LMWV
2220305050A000100	RAJGOR HARISHANKER M &	RAJGOR BIBI A		614	BAYWOOD	CT	1	\$574.43	LMWV
2220305050A000190	NAKAGAMA BRENT & JANIS			399	LAKE	RD	1	\$574.43	LMWV
2220305050A000200	VALONE GERALD C & MARLYN E			389	LAKE	RD	1	\$574.43	LMWV
2220305050C000130	LERCH DAVID W & NICOLE S			630	PUGH	ST	1	\$574.43	LMWV
2220305050A000080	LIZARDO MARIA &	OVALLS JULIO		469	ELMWOOD	CIR	1	\$574.43	LMWV
2220305050B000080	DRAVES DONNA L			335	LAKE	RD	1	\$574.43	LMWV
2220305050A000270	FROST LYDIA A			359	LAKWOOD	CT	1	\$574.43	LMWV
2220305050A000150	CALDWELL-CARR LORI &	CARR TIMOTHY E		459	LAKE	RD	1	\$574.43	LMWV
2220305050B000250	SWANEY ALFRED R SR			340	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050C000120	COONEY JOHN E & JANELLE L			626	PUGH	ST	1	\$574.43	LMWV
2220305050B000350	ROWLINGS DANIEL B & JEANETTE A			312	OAKWOOD	CT	1	\$574.43	LMWV
2220305050B000270	COOPER MARTIN J & JENNIFER M			332	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050B000010	GRAVES ROBERT G & SUSAN			301	LAKE	RD	1	\$574.43	LMWV
2220305050C000080	STANEK JOHN S & MERYEM D			337	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050A000130	CORLESS GARY H & CYNTHIA D			608	BAYWOOD	CT	1	\$574.43	LMWV
2220305050A000020	MONDOR RUSSELL M & JULIE L			479	LAKE	RD	1	\$574.43	LMWV
2220305050B000180	TODISCO ALEXANDER V & MAUREEN			329	SPARROW WOOD	CT	1	\$574.43	LMWV
2220305050C000030	WICKENHAUSER THERESA			315	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050B000420	LARKIN PATRICK A & MARLYN M			304	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050B000170	WALKER ALLEN & MARLENE			328	SPARROW WOOD	CT	1	\$574.43	LMWV
2220305050B000020	ARBORE ERIK			307	LAKE	RD	1	\$574.43	LMWV
2220305050B000150	WILKINSON IRENE S TRUSTEE	FBO		334	SPARROW WOOD	CT	1	\$574.43	LMWV
2220305050C000070	GREGORY GLEN D & KRISTIE			335	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050A000290	CORBELL ROBERT L & ANTOINETTE			364	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050B000390	IMLAY MICHAEL D & JUDITH D			303	OAKWOOD	CT	1	\$574.43	LMWV
2220305050B000320	RAMIREZ FRANCISCO &	SANCHEZ-RAMIREZ GLADYS		319	OAKWOOD	CT	1	\$574.43	LMWV
2220305050A000250	FRIEDMAN MICHAEL & JENNIFER			374	LAKWOOD	CT	1	\$574.43	LMWV
2220305050D000020	DEAN DAVID B & MACHELLE			307	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050A000010	DHALLA MOHAMMED & NIGAR			489	LAKE	CIR	1	\$574.43	LMWV
2220305050A000040	SANDERS JAMES & DAWN			464	ELMWOOD	RD	1	\$574.43	LMWV
2220305050B000030	KREPFLE RANDALL A & LYNELL P			311	LAKE	RD	1	\$574.43	LMWV
2220305050D000030	BENSON ANGELA L			311	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050B000430	DEAN DAVID B & MACHELLE P			300	SPRUCEWOOD	RD	1	\$574.43	LMWV
1520305A000000440	ALVES FERNANDO			480	LAKE	RD	1	\$574.43	LMWV
2220305050A000220	BECKWITH THOMAS C SR & JOYCE			359	LAKE	RD	1	\$574.43	LMWV
22203051400000030	COTHERN JOAN H & J MICHAEL			575	WEBSTER	ST	1	\$574.43	LMWV
2220305050B000090	MANJI RIZMAN & PARVIN			339	LAKE	RD	1	\$574.43	LMWV
2220305050C000090	KENT EDWIN J JR & DIANA A			341	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050A000210	ARDITO JOHN J & LEONORA F			369	LAKE	RD	1	\$574.43	LMWV
2220305050B000300	SISSUNG THOMAS J & JUANITA			314	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050C000100	FERA JOSEPH F & RHONDA S			613	SPRUCEWOOD	RD	1	\$574.43	LMWV
22203051400000060	RIBEAUX ARNOLD & INGRIS M			314	BAYWOOD	CT	1	\$574.43	LMWV
2220305050B000070	JAFFER GULAMABBAS & HALIMA			329	LAKE	RD	1	\$574.43	LMWV
2220305050A000110	MITCHELL ARNOLD L & REGINA E			612	BAYWOOD	CT	1	\$574.43	LMWV
2220305050A000120	CARMONA DANIEL & KARAN			610	BAYWOOD	CT	1	\$574.43	LMWV
2220305050B000330	STEIDLE WAYNE T & DOREEN L			316	OAKWOOD	CT	1	\$574.43	LMWV
2220305050A000060	OREFICE DREW & LYNDIA D			489	ELMWOOD	CIR	1	\$574.43	LMWV
	MC CARN KEN B								

2220305050A000260	PACHECO BOBBY A & MARTHA K		369	LAKewood	CT	1	\$574.43	LMWV
2220305050A000320	DILLON DONALD H & JEANNE M		379	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050B000140	CURRAN CHRISTOPHER & LYNN		340	SPARROW WOOD	CT	1	\$574.43	LMWV
2220305050B000200	KINSON CAROL J		339	SPARROW WOOD	CT	1	\$574.43	LMWV
2220305050A000050	NATALE CONO & BARBARA		474	ELMWOOD	CIR	1	\$574.43	LMWV
2220305050B000380	DONAHOU CURTIS & EDEN LIFE EST		300	OAKWOOD	CT	1	\$574.43	LMWV
2220305050B000110	LIZARDO FRANCIS A & OLGA M		600	PUGH	ST	1	\$574.43	LMWV
22203051400000040	BURCHILL DENNIS T III &	BARBARA D	306	LAKE	RD	1	\$574.43	LMWV
22203051400000110	TIMMONS HARRY M & LINDA S		336	LAKE	RD	1	\$574.43	LMWV
2220305050B000360	UNDERWOOD HOLLY & ANTHONY		309	OAKWOOD	CT	1	\$574.43	LMWV
2220305050B000040	KLEIN JEFF J & LISA C		308	OAKWOOD	CT	1	\$574.43	LMWV
2220305050B000040	BLEVINS WILLIAM C & KAREN S		315	LAKE	RD	1	\$574.43	LMWV
2220305050B000290	CASH GABRIELLE R		320	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050A000280	BREWER DONALD R JR & MARJORIE		354	SPRUCEWOOD	RD	1	\$574.43	LMWV
2220305050C000110	RAWLINS MICHAEL W & CYNTHIA R		349	SPRUCEWOOD	RD	1	\$574.43	LMWV

93 \$53,421.99



MEMORANDUM

DATE: August 7, 2014

TO: Mayor and City Commission

FROM: Tom Tomerlin, Economic Development Manager

VIA: Jackie Sova, City Manager

SUBJECT: Jobs Growth Incentive Interlocal Funding Agreement between the City of Lake Mary and Seminole County for Deloitte Consulting LLP and Deloitte Services LP (Tom Tomerlin, Economic Development Manager)

BACKGROUND:

The Jobs Growth Incentive (JGI) program provides monetary incentives to induce qualified target industries to locate or expand in our community. The JGI program is administered by Seminole County Government, but is designed to be a cooperative program with participating cities. The JGI program is implemented through agreement, and the City's participation in this project is delineated in the attached interlocal agreement with Seminole County. A separate agreement between Seminole County and the company outlines benchmarks and standards associated with the incentive.

The JGI program is performance based, and is built around the creation of permanent high-value jobs. Eligibility criteria for the program includes wage thresholds and a significant capital investment in the community. All JGI award recipients are required to provide a surety instrument in the amount of the trust fund award.

DESCRIPTION OF THE PROJECT:

Deloitte Consulting LLP and Affiliates is one of the nation's leading professional services firms, providing broad-based business consulting services in the areas of human capital, strategy, operations and technology. Deloitte Consulting has more than 17,500 practitioners in 60+ offices throughout the United States.

This project involves the addition of a Technology Delivery Center (TDC) to the U.S. footprint of Deloitte Consulting. The company has determined that the delivery of technology solutions through a TDC is a highly effective and cost efficient method of

providing technology services. This project will bring new jobs to the City within the information technology, computer science/programming, and software development fields.

The proposed relocation/consolidation will involve a lease of up to 130,000 square feet located within the City limits of Lake Mary. Locating to an existing facility will permit Deloitte Consulting to quickly ramp-up its operations and house its new Technology Delivery Center in the United States.

Deloitte Consulting will create a minimum of one thousand (1,000) new high-value jobs beginning in 2014. More specifically, job creation is expected to ramp-up over the course of four years as follows:

- Calendar Year 2015 – 200 jobs (cumulative 200 jobs),
- Calendar Year 2016 – 280 jobs (cumulative 480 jobs),
- Calendar Year 2017 – 320 jobs (cumulative 800 jobs),
- Calendar Year 2018 – 200 jobs (cumulative 1,000 jobs).

The average annual salary will be \$60,520, which is 151% of the 2014 annual average wage of \$40,015 for Seminole County, as listed in the State of Florida Incentive Average Wage Requirements which became effective on January 1, 2014.

This interlocal agreement addresses a Jobs Growth Incentive (JGI) in the amount of \$1,700 per job, which would result in a total incentive award in the amount of \$1,700,000 for the 1,000 newly created jobs. The City of Lake Mary is being asked to equally contribute (50%) to this incentive in the amount of \$850,000, or \$850 per job. If approved, the City would pay this incentive in four equal (annual) installments in the amount of \$212,500 paid at the end of each calendar year. The company will be required to submit an annual report demonstrating compliance with the grant agreement before each payment.

The conditions that will apply for this award are as follows:

1. The creation of one thousand (1,000) new jobs before December 31, 2018;
2. An average annual wage of \$60,520 for the new jobs or greater; and
3. A capital investment of approximately \$35.9 million (this amount includes estimated landlord improvements).

Seminole County will consider approval of the incentive agreements at an upcoming Board of County Commissioners meeting.

DISCUSSION:

This project is the result of over 18 months of business attraction efforts. The company was considering up to five out-of-state areas for this TDC facility. The company's decision to locate the Deloitte TDC in the City of Lake Mary was based upon several variables, including this incentive package. Another critical factor in the selection of Lake Mary was access to computer science talent coming from the University of Central Florida, Seminole State College, and other area colleges.

This project represents one of the largest economic development projects in the City's history. As such, Deloitte Consulting LLP will become one of the City's largest employers when fully staffed. The property being considered for the project is located in the City's high-tech corridor. This sizable addition of computer and information technology jobs will help define the City as a location of choice for firms wishing to consolidate their high-value operations into a 'delivery center' model.

The amount of time it will take the City to recover its contribution to the award, in the form of increased property tax revenue, is approximately 6.6 years. This return timeframe is fairly rapid. When considering all taxing jurisdictions (i.e., County/City/Schools), the return timeframe is substantially reduced to about 1.5 years. While these numbers present a perspective on fiscal impacts, the project will result in a much larger economic impact for the community. Direct impacts include the addition of \$60 million in new wages and significant capital investment. Moreover, the indirect and induced impacts associated with this project include increased business activity due to the purchase of inputs from local suppliers and new spending in the economy as Deloitte employees buy goods and services locally.

RECOMMENDATION:

That the City Commission approve and execute the Jobs Growth Incentive Interlocal Agreement with Seminole County for Deloitte Consulting LLP in the amount of \$850,000, an amount representing 50% of the total award.

ATTACHMENT:

- Interlocal Agreement between City of Lake Mary and Seminole County

**SEMINOLE COUNTY / CITY OF LAKE MARY
JOBS GROWTH INCENTIVE PROGRAM INTERLOCAL FUNDING AGREEMENT
(DELOITTE CONSULTING LLP)**

THIS INTERLOCAL AGREEMENT is made and entered into this ___ day of _____, 2014, by and between **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771 (hereinafter referred to as "COUNTY"), and the **CITY OF LAKE MARY**, a Florida municipal corporation, whose address is 100 North Country Club Road, Lake Mary, Florida 32746 (hereinafter referred to as "CITY").

WITNESSETH:

WHEREAS, it is the policy of COUNTY and CITY to aggressively stimulate economic growth in Seminole County and the City of Lake Mary by, among other things, either attracting new business or encouraging the expansion of existing business within their respective jurisdictions; and

WHEREAS, the creation of new employment opportunities for residents of Seminole County and the City of Lake Mary, and the increased tax revenues resulting from business relocation are beneficial to the sustained health of the local economy; and

WHEREAS, CITY and COUNTY have determined that offering a Jobs Growth Incentive Program encourages both existing business to expand and new business to locate resulting in diverse positive employment opportunities for the residents of Seminole County and the City of Lake Mary; and

WHEREAS, CITY and COUNTY have enacted Jobs Growth Incentive Ordinances and have the fiscal capacity to conduct and accomplish the programs relating thereto; and

WHEREAS, Deloitte Consulting LLP (hereinafter referred to as "COMPANY"), will relocate its business in COUNTY and CITY and thereby create certain full-time employment opportunities at a certain average salary level and make certain capital investments all in accordance with COUNTY's Economic Development Strategy, COMPANY's Jobs Growth Incentive Grant Application, and COUNTY's Jobs Growth Incentive Ordinance; and

WHEREAS, COMPANY is proposing to lease a facility that is approximately one hundred thirty thousand (130,000) square feet at a location in Seminole County at an approximate cost of ELEVEN MILLION FOUR HUNDRED THOUSAND NO/100 DOLLARS (\$11,400,000.00) and to invest approximately TEN MILLION EIGHT HUNDRED THOUSAND AND NO/100 DOLLARS (\$10,800,000.00) for machinery and equipment, the sum of which represents a significant capital investment; and

WHEREAS, the new jobs created and capital investment made by COMPANY will enhance COUNTY's and CITY's economic base and is consistent with the stated goals and objectives of COUNTY and CITY's Economic Development Strategies; and

WHEREAS, COMPANY is eligible to receive Job Growth Incentive Grants from COUNTY and CITY; and

WHEREAS, COUNTY and CITY find and declare that it is in the public's best interest and serves a public purpose to award a grant to COMPANY pursuant to the terms of this Agreement; and

WHEREAS, COUNTY and CITY desire to enter into this Agreement for the purpose of facilitating the payment of CITY funds to COMPANY under a Jobs Growth Incentive Grant,

NOW, THEREFORE, in consideration of the premises and mutual covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby covenant and agree as follows:

(1) Pursuant to its Jobs Growth Incentive Program Agreement with COMPANY, COUNTY agrees to pay to COMPANY an amount up to but not exceeding ONE MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,700,000.00) upon COMPANY's fulfillment of certain conditions as expressed in said Agreement, a copy of which is attached to this Agreement as Exhibit A.

(2) CITY agrees to pay to COUNTY an amount up to but not exceeding EIGHT HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$850,000.00) as its portion of the Jobs Growth Incentive Grant to COMPANY. Said sum will be paid in four annual payments of TWO HUNDRED TWELVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$212,500.00) each, after COUNTY's verification to CITY that COMPANY has provided written evidence of a lease for a facility in Lake Mary and has created the new permanent jobs in accordance with its Jobs Growth Incentive Program Agreement with COUNTY. Payment shall be made by CITY to COUNTY within thirty (30) days of COUNTY delivering to CITY an invoice; said invoice will be delivered to CITY only after COUNTY reviews and confirms the number of new permanent jobs created and reported in COMPANY's annual report. CITY's payments to COUNTY may be adjusted pursuant to the provisions in Section 5 of the Jobs Growth Incentive Agreement between COUNTY and COMPANY, such that CITY's payment will reflect fifty percent (50%) of COUNTY's total annual payment to COMPANY.

(3) COUNTY agrees to provide CITY with copies of all annual reports and other documents provided to COUNTY by COMPANY pursuant to COUNTY's Agreement with COMPANY, and further, COUNTY agrees to notify CITY when COMPANY has satisfied all of its obligations to CITY and COUNTY under COUNTY's Jobs Growth Incentive Program Agreement with COMPANY.

(4) In the event of COMPANY's default in its Agreement with COUNTY, all monetary recoverables shall become the sole property of COUNTY, and COUNTY shall refund fifty percent (50%) of those recoverables to CITY.

(5) (a) Each party to this Agreement is responsible for all personal injury and property damage attributable to the negligent acts or omissions arising out of this Agreement of that party and the officers, employees, and agents thereof.

(b) The parties further agree that nothing contained herein shall be construed or interpreted as denying to any party any remedy or defense available to such parties under the laws of the State of Florida, nor as a waiver of sovereign immunity of COUNTY and CITY beyond the waiver provided for in Section 768.28, Florida Statutes.

(c) The waiver of a provision herein by either party shall not constitute the further waiver of said provision or the waiver of any other provision.

(6) Neither party to this Agreement shall assign this Agreement, nor any interest arising herein, without the written consent of the other.

(7) (a) It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof as well as any previous agreements presently in effect between the parties relating to the subject matter hereof.

(b) Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing and duly signed by the parties.

(8) In providing all services pursuant to this Agreement, the parties shall abide by all statutes, ordinances, rules, and regulations pertaining to or regulating the provisions of such services including those now in effect and hereafter adopted. Any violation of said statutes, ordinances, rules, or regulations shall constitute a material breach of this Agreement and shall

entitle the non-breaching party to terminate this Agreement immediately upon delivery of written notice of termination to the breaching party as provided hereinabove.

(9) (a) The parties agree that they will not engage in any action that would create a conflict of interest in the performance of their obligations pursuant to this Agreement or which would violate or cause others to violate the provisions of Part III, Chapter 112, Florida Statutes, relating to ethics in government.

(b) The parties hereby certify that no officer, agent, or employee of COUNTY or CITY has any material interest (as defined in Section 112.312(15), Florida Statutes) either directly or indirectly in the business to be conducted here, and that no such person shall have any such interest at any time during the term of this Agreement.

(c) Pursuant to Section 216.347, Florida Statutes, the parties hereby agree that monies received by COUNTY pursuant to this Agreement will not be used for the purpose of lobbying the Legislature, judicial branch, or any other State or Federal agency.

IN WITNESS WHEREOF, the parties to this Agreement have caused their names to be affixed hereto by the proper officers thereof for the purposed herein expressed on the day and year first above written.

ATTEST:

CITY OF LAKE MARY

CAROL FOSTER, City Clerk

By: _____
DAVID MEALOR, Mayor

Date: _____

Approved as to form and
legal sufficiency.

City Attorney

[Balance of this page left intentionally blank; signatures continued on next page]

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

ATTEST:

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
ROBERT DALLARI, Chairman

Date: _____

For the use and reliance
of Seminole County only.

As authorized for execution by the Board of County
County Commissioners at its _____, 20____
regular meeting.

Approved as to form and
legal sufficiency.

County Attorney

Attachment:

Exhibit A – Jobs Growth Incentive Program Agreement

MCC
7/8/14

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CITY MANAGER'S REPORT

DATE: August 7, 2014
TO: Mayor and City Commission
FROM: Jackie Sova, City Manager
SUBJECT: City Manager's Report

ITEMS FOR COMMISSION ACTION:

1. Expenditure from Law Enforcement Trust Fund for Lake Mary High School's Challenge Day.
2. Reappoint Cora Rice to the Historical Commission.



CITY MANAGER'S REPORT

DATE: August 7, 2014

TO: Mayor and City Commission

FROM: Steve A. Bracknell, Chief of Police

VIA: Jackie Sova, City Manager

SUBJECT: Expenditure from Law Enforcement Trust Fund for donation to Lake Mary High School's Challenge Day

The Lake Mary Police Department would like to support "Challenge Day" efforts at Lake Mary High School through a donation from our Law Enforcement Trust Fund.

"Challenge Day" is an impactful program which gives students information and tools to dispel bullying, gang activity, substance abuse and other negative behaviors; especially those experienced during high school age. Please see the attached letter from LMHS for more information on this powerful program.

We propose a donation of \$500 to help fund the program.

BUDGET IMPACT

The total expenditure will be appropriated from the Law Enforcement Trust Fund to assist Lake Mary High School with the "Challenge Day" program and will not exceed \$500.00.

RECOMMENDATION

The Commission approve a donation of \$500 to Lake Mary High School for "Challenge Day".



**LAKE MARY HIGH
SCHOOL**

655 Longwood-Lake Mary
Road
Lake Mary, Florida 32746
Phone: (407) 320-9550
Fax: (407) 320-9512

MICHAEL C. KOTKIN
Principal

VANESSA MARSHALL
Assistant Principal

KEITH MCAULEY
Assistant Principal

WALT MORGAN
Assistant Principal

MIKE RICE
Assistant Principal

COLLEEN WINDT
Assistant Principal

CINDY NELSON
*School Administration
Manager*

GEORGE GORDON
Dean of Students

ERIN DEHLINGER
Dean of Students

DEBORAH MAHANY
Director of Guidance

DOUG PETERS
Athletic Director

SCOTT PERRY
Assistant Athletic



**SEMINOLE COUNTY
PUBLIC SCHOOLS**

Visit Our Web Site
www.scps.k12.fl.us

March 24, 2014

Dear Chief Bracknell,

I am pleased to announce that "Challenge Day" will return to LMHS! Chief Bracknell, in the past, you were able to work with City Manager John Litton on a much appreciated \$750 donation for our Challenge Day program at Lake Mary High School. This program was hugely successful, and its effects are still around in the "Be the Change" club.

The program costs about \$10,000 total; however, in my 17 years with public schools, I have not seen or been a part of a more powerful and impactful program in education. It is amazing to watch 250 students connect with themselves and each other to dispel bullying, gang activity, spiteful ways amongst cliques, substance abuse, and unnecessary grudges toward their peers and teachers. It is amazing to watch the transformation amongst the students, teachers, and community volunteers. The program inspires individuals and groups beyond expectations. Truly, it changes lives for the better!

As you may know, Challenge Day was featured on the Oprah Winfrey show and MTV as well. Your help for the 2014 program would be greatly appreciated. We are excited about the upcoming event! September 11th and 12th is fast approaching. Please see the link below as a reminder for what the program is and what it can do for our community. <http://www.challengeday.org/>

Respectfully,

Vanessa L. Marshall

Vanessa L. Marshall
Assistant Principal
Lake Mary High School
407-320-9505

<http://www.lakemaryhs.scps.k12.fl.us>



CITY MANAGER'S REPORT

DATE: August 7, 2014
TO: Mayor and City Commission
FROM: Carol Foster, City Clerk
VIA: Jackie Sova, City Manager
SUBJECT: Reappoint Cora Rice to the Historical Commission

Cora Rice was notified that in accordance with Ordinance No. 592, which was later amended by Ordinance No. 1118, she had been removed from the Historical Commission due to missing 3 consecutive meetings.

The ordinances provide that if a member desires to be reappointed, he/she shall provide circumstances for missing the meetings, which the Commission will consider in addition to the member's attendance record for the prior one-year period. Ms. Rice has informed me that she does desire to continue serving and that she missed 2 of the meetings due to medical reasons and 1 for being without transportation. Over the past year, she has missed 3 meetings.

RECOMMENDATION:

The Commission reappoint Ms. Rice to the Historical Commission to complete her term.