

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held June 4, 2015,  
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake  
3 Mary, Florida.

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1. Call to Order

The meeting was called to order by Mayor David Mealor at 7:07 P.M.

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call

- |                               |   |
|-------------------------------|---|
| Mayor David Mealor            | Jackie Sova, City Manager               |
| Commissioner Gary Brender     | Carol Foster, City Clerk                |
| Deputy Mayor George Duryea    | Dianne Holloway, Finance Director       |
| Commissioner Sidney Miller    | John Omana, Community Dev. Director     |
| Commissioner Jo Ann Lucarelli | Steve Noto, Deputy City Planner         |
|                               | Bruce Paster, Public Works Director     |
|                               | Tom Tomerlin, Economic Dev. Director    |
|                               | Bryan Nipe, Parks & Recreation Director |
|                               | Wanda Broadway, HR Manager              |
|                               | Steve Bracknell, Police Chief           |
|                               | Frank Cornier, Fire Chief               |
|                               | Katie Reischmann, City Attorney         |
|                               | Mary Campbell, Deputy City Clerk        |

5. Approval of Minutes: May 21, 2015

Commissioner Miller had a correction on Page 9, Line 2. He said to delete “and then five million”.

**Motion was made by Commissioner Brender to approve the minutes of the May 21, 2015, meeting as corrected, seconded by Commissioner Lucarelli and motion carried unanimously.**

6. Special Presentations

A. Lifesaving Award – Officer Ron Tomassi, Lake Mary Police Department

Mayor Mealor said we have a unique moment to honor one of our own.

Chief Bracknell and Officer Ron Tomassi came forward.

1 Chief Bracknell said it is a pleasure in light of things going on in our country today to  
2 have an opportunity to recognize a police officer for doing something good. He asked  
3 Officer Tomassi to introduce his guests. He introduced his wife Carrie, sons Alex and  
4 Nicholas.

5  
6 Chief Bracknell read what transpired on the night of February 19<sup>th</sup> of this year. We have  
7 a take-home program and our officers pay for the opportunity to take their cars back and  
8 forth home. On the way home Officer Tomassi was driving his marked police unit  
9 outside our jurisdiction and was flagged down by a citizen who noticed the police unit  
10 coming her way. About 6:10 P.M. Officer Tomassi had completed his shift and was on  
11 his way home to his family. During his drive home on County Road 46A he witnessed a  
12 female frantically and unsuccessfully waving down traffic for assistance. Officer  
13 Tomassi stopped to help and discovered the woman's husband was in dire need of  
14 medical assistance. Officer Tomassi removed the male from the vehicle, placed him on  
15 the ground, and initiated CPR. Officer Tomassi performed CPR for five minutes before  
16 the FD's response. Due to Officer Tomassi's actions, they were able to keep the male  
17 breathing for an extended period of time to be transported to the hospital.

18  
19 Chief Bracknell asked the victim's wife and daughter to come forward.

20  
21 Mayor Mealor read and presented a plaque to Officer Ron Tomassi. He said he ran into  
22 Officer Tomassi one morning at one of our convenience stores and he was sharing that  
23 story with him. He said it was about 31 years ago when his father's life was saved by  
24 public officials. He said Officer Tomassi told the story with such humility. It is that kind  
25 of dedication that separates the men and women of the Lake Mary Public Safety  
26 Department from others. He extended congratulations on behalf of Chief Bracknell and  
27 the Commission for a job well done.

28  
29 Officer Tomassi said two days before this incident happened we were required to take  
30 our annual recertification in AED, CPR, and lifesaving first aid. When the battalion chief  
31 taught the class, he was sitting there thinking this was great stuff but would never use it.  
32 Fifty-one hours later everything we went over was there. That's when he saw Ron  
33 Tomassi leave and this fellow he didn't know stepped in. It goes back to what we are  
34 trained. From the day you put on your badge, when your training takes over you don't  
35 have time to think. He stood away and this other guy he didn't know took over. It is  
36 exactly what we have been taught happens. Your training takes over for you. The  
37 magnitude of what happened that night didn't set in until the rescue lieutenant from the  
38 fire department said Mr. Richardson was still alive. On the way home it was biblical  
39 proportions of what he was feeling. He said he was honored a week later when Mrs.  
40 Richardson came to the police department to meet with him and the Chief and she  
41 presented him with a painting that Mr. Richardson had worked on. It is painting of an  
42 unfinished barn. On the back of the painting is Mr. Richardson's picture. Mrs.  
43 Richardson said now you and my husband will forever be together. He was very  
44 touched by it. Hanging in his house are the medals his father had won during the  
45 Second World War and right there is also this painting in the same room. He thanked  
46 everyone. This is a great honor.

1  
2 Mayor Mealar recognized scouts from Troop 787 who are working on their merit badges  
3 and one wants to go on and pursue the rank of Eagle Scout. What you heard this  
4 evening is an example of your training and learning if ever put in that position you will  
5 know how to respond. We have excellent role models. You are always welcome and if  
6 you need additional information from any member of the City Commission don't hesitate  
7 to ask.

8  
9 Mayor Mealar announced under New Business, Florida Hospital has requested to  
10 postpone Item 9-D, Ordinance No. 1526, to the August 6, 2015, City Commission  
11 meeting. They along with staff will be working to resolve some of the issues that have  
12 arisen. We have representatives of the applicant, Florida Hospital with Mr. Borron  
13 Owen representing them and as part of the established businesses within the PUD,  
14 better known as ABC, we have Mr. Langley representing that group. I appreciate both  
15 of you and your only interest is to your client. Our interest is to the State Constitution,  
16 the U.S. Constitution, and the 15,000 residents of the City of Lake Mary. Many feel this  
17 is something that could be very beneficial if done in the right way. That's what we hope  
18 we'll be able to get to. There is a request we postpone Item 9-D until the August 6,  
19 2015, City Commission meeting.

20  
21 **Motion was made by Commissioner Miller to postpone Item 9-D, Ordinance No.**  
22 **1526, to the August 6, 2015, City Commission meeting, seconded by**  
23 **Commissioner Brender and motion carried unanimously.**

24  
25 B. Proclamation – Code Enforcement Officer Appreciation Week

26  
27 The City Attorney read a proclamation proclaiming the week of June 1 – 5, 2015, as  
28 “Code Enforcement Officer Appreciation Week”.

- 29  
30 7. Citizen Participation – This is an opportunity for anyone to come forward and  
31 address the Commission on any matter relating to the City or of concern to our  
32 citizens. This also includes: 1) any item discussed at a previous work session;  
33 2) any item not specifically listed on a previous agenda but discussed at a  
34 previous Commission meeting; or 3) any item on tonight's agenda not labeled as  
35 a public hearing. Items requiring a public hearing are generally so noted on the  
36 agenda and public input will be taken when the item is considered.

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

39  
40 8. Unfinished Business

41  
42 There was no unfinished business at this time.

43  
44 9. New Business

1 A. Resolution No. 964 – Granting Duke Energy an easement for the placement  
2 of lights in the new parking lot for the Community Center (Bruce Paster,  
3 Public Works Director)  
4

5 The City Attorney read Resolution No. 964 by title only.  
6

7 Ms. Sova said these are the light poles for the new parking lot at the Community Center.  
8 Duke Energy does require an easement in order install those and we are ready to have  
9 that happen. We are getting ready to move forward with the Community Center parking  
10 lot.  
11

12 **Motion was made by Commissioner Lucarelli to approve Resolution No. 964,**  
13 **seconded by Commissioner Miller and motion carried unanimously.**  
14

15 B. Conditional Use Approval to allow a childcare center/private school (Florida  
16 Autism Center) in the PUD zoning district, 791 Rinehart Road, Florida Autism  
17 Center/Todd Bullock, applicant (Public Hearing) (quasi-judicial) (Steve Noto,  
18 Deputy City Planner)  
19

20 Mr. Noto said the request is for a conditional use for a childcare center/private school.  
21 This is within Timacuan, Tract 4 of the PUD. He showed the location of the property on  
22 the overhead. This portion of the PUD allows for neighborhood/commercial uses. What  
23 that means in the Timacuan PUD is that uses allowed within the C-1 zoning district in  
24 the Land Development Code are those that are allowed within this part of the PUD. As  
25 part of the C-1 zoning district, you can also have PO Professional Office uses. Under  
26 that part of the code, private schools/childcare centers are conditional uses. That is  
27 why we are before the Commission this evening.  
28

29 Mr. Noto showed the site plan for the Federal Trust Bank. It is an existing building about  
30 3,300 S.F. The site plan for the bank was approved in 2001 and it has been vacant a  
31 couple of years. The applicant is looking to operate their facility there.  
32

33 Mr. Noto said the business allows for multiple ranges of school-type services and  
34 childcare services, but they also provide early intervention services for young children  
35 who have been diagnosed with autism. They provide a wide range of services for their  
36 clientele. The planned enrollment is a max of 17 students and a max of 21 staff with  
37 hours of operation between 8:00 A.M. and 6:00 P.M. with staggered arrival times.  
38

39 Mr. Noto said as a conditional use we have our typical seven findings of fact that are  
40 outlined in the staff report. He brought attention to provision No. 2 dealing with  
41 ingress/egress. There are some notes about some site modifications that the applicant  
42 is looking to do. This was a bank and as such there are some bank related items still  
43 there such as the drive-thru lanes, the safe and things of that nature. They plan to  
44 rearrange the drive-thru lanes and construct a play area space. He showed a  
45 conceptual plan of what they would look to do in the drive-thru lanes as far as the play  
46 area is concerned. They are also looking at adding some additional parking spaces.

1 He showed an aerial showing the traffic circulation plan. Folks would come in off  
2 Rinehart, enter in front of the bank, and they still would be able to loop around the  
3 building even with the play area. They are planning on having the appropriate locking  
4 mechanisms higher on the doors and other ways so kids don't run out into traffic or run  
5 out to the play area when they are not supposed to be.  
6

7 Mr. Noto said provision No. 4 talks about acceptable location, availability and  
8 compatibility of utilities. When this item went to P&Z we were still working through some  
9 issues with the trash enclosure or dumpster/trash removal. The bank was not required  
10 to have a dumpster when it was permitted in 2001. We have worked through those  
11 issues and it is no longer an issue. Where it goes and how they deal with that we will  
12 be working with them as the process goes on.  
13

14 Mr. Noto said he had outlined a couple of similar requests within the last year and a half  
15 for the UCP School on Sun Drive and the charter school on 17-92.  
16

17 Mr. Noto said we have one condition under the first provision regarding the trash pickup  
18 and that has been taken care of. Since it is a school we have the additional criteria, the  
19 11 findings of fact that deal with school location as part of the conditional use request.  
20 A lot of that is centered around larger public schools, even larger private schools. Some  
21 of these items don't apply to this request such as provision No. 2 dealing with attendant  
22 zones. They have sufficient parking, sufficient traffic flow, and they have met all of the  
23 findings of fact and school locational criteria.  
24

25 Mr. Noto said the Planning & Zoning Board heard this item at their regular May 12,  
26 2015, meeting and voted unanimously, 5 – 0, to recommend approval. Staff is also  
27 recommending approval of the item.  
28

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

32 Mayor Mealor announced he visited the site a number of times. He often wondered  
33 what would happen there. It is a beautiful setting, is in the right location, and was very  
34 pleased when this request came forward.  
35

36 **Motion was made by Commissioner Lucarelli to approve the conditional use to**  
37 **allow a childcare center/private school (Florida Autism Center) in the PUD zoning**  
38 **district at 791 Rinehart Road. Seconded by Commissioner Brender and motion**  
39 **carried by roll-call vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes;**  
40 **Commissioner Miller, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**  
41

42 C. Request for Site Plan Approval with variances for Lake Mary Pediatric  
43 Medical Office, 105 S. Country Club Road, Urgent Care Developers of West  
44 Lake Mary, LLC, applicant (Public Hearing) (quasi-judicial) (Steve Noto,  
45 Deputy City Planner)  
46

1 Mr. Omana said Mr. Noto would be handling this item but wanted to provide some  
2 guiding remarks. He said he could describe this project in one word: "unique". We  
3 have a pizza slice shaped property adjacent to railroad tracks adjacent to a major  
4 intersection in a heavily traveled roadway. The proposal places a 4,999 S.F. medical  
5 pediatric facility on that property. The issue of accessibility was thoroughly looked at by  
6 staff, the Planning & Zoning Board, as well as other jurisdictions involved in this review.  
7

8 Mr. Omana said he would like to update the Commission on one of those reviews. We  
9 have received documentation from Seminole County and they concur with the City  
10 Community Development Department as well as the Police Department that providing a  
11 right turn from Lake Mary Boulevard into the site is an unsafe condition and they would  
12 not support such a movement.  
13

14 Mr. Omana said we have a very unique situation here due to the size of the property,  
15 the way it is configured, and the adjoining characteristics of land use. The circulation  
16 will be touched upon by Mr. Noto as to how property owners and users of the site will  
17 traverse the property. We were faced with a number of challenges. How do you get in  
18 and out of the site given the constraints? As staff what we will present before the  
19 Commission this evening in our opinion is the best possible solution given those  
20 constraints and also the safest possible solution give those same constraints.  
21

22 Mr. Noto said Mr. Omana mentioned a 4,499 S.F. building. The buildings Mr. Shaw has  
23 constructed is the same size so that is the type of structure we are looking at to fit on  
24 the pizza slice. It is located at the southeast corner of Lake Mary Boulevard and South  
25 Country Club Road. The current zoning is C-1 General Commercial with a Restricted  
26 Commercial future land use. The zoning of the property is key when we talk about the  
27 landscape buffer variances later in the presentation.  
28

29 Mr. Noto said this item has been before the Commission in the past. In 2003 there was  
30 a conditional use request for construction of a just under 11,000 S.F. building for a  
31 drugstore and a 4,000 S.F. office building. Part of that project was the property to the  
32 south which is not part of this request. He pointed out the property on the overhead.  
33 That is owned by a separate entity and is not part of this project. That parcel to the  
34 south was rezoned in 2003. After all the conditional uses and rezonings there was no  
35 formal site plan brought forth and no approvals beyond that.  
36

37 Mr. Noto said we have talked a little about access and transportation and there will not  
38 be access off of Lake Mary Boulevard. The access will be off of South Country Club  
39 Road. It is a right in/right out configuration. There is an island in the middle with a  
40 mountable curb in the event of public safety needing to get in and out. He showed an  
41 exhibit of the fire truck movements and how they can get around the site. It is a  
42 standard thing we ask for on these site plans. There is a call out for a proposed cross  
43 access easement in the event the property to the south comes up for development. We  
44 have asked them to provide this area for cross access so this entry point is the entry  
45 point for the entire pizza slice. The location of that cross access easement is key as we  
46 move forward with the presentation for the southern landscape buffer variance. This is

1 across the street from Lake Mary Elementary School. The Lake Mary Elementary  
2 driveway is about 60 feet to the south. He pointed the driveway out on the exhibit as  
3 well as the driveway for the pediatric center.

4  
5 Deputy Mayor Duryea asked how many feet from the corner was that access.

6  
7 Mr. Noto said from Lake Mary Boulevard and South Country Club Road it is  
8 approximately 200 to 300 feet south. He showed an exhibit showing the length of the  
9 turn lanes. The turn lanes to go west, eastbound, and straight go all the way south to  
10 the proposed entryway. Something key to think about when we were looking at the  
11 access is right in/right out is the best method because if you throw a left in or left out  
12 you run into issues with the stacking on Country Club Road.

13  
14 Deputy Mayor Duryea asked what was going to keep people from making a left turn in  
15 there.

16  
17 Mr. Noto said that is a raised curb. The curb is mountable and is intended for public  
18 safety. The Seminole County Public Schools Planner was part of our DRC review and  
19 he requested additional signage be placed on Country Club, one of those signs being  
20 No Left Turn. That being a County roadway we will leave that up to the Commission as  
21 to direction for us to give to the applicant as to how to move forward with that in  
22 coordination with the County. He also asked for a No U Turn sign be placed a little  
23 further south so people don't U turn on Country Club and don't go into Lake Mary  
24 Elementary to make their way back to the north. He pointed out the general area on the  
25 exhibit.

26  
27 Commissioner Brender said that's going to stop that whole problem, right?

28  
29 Mr. Noto said people will be people. The hours are 4:00 P.M. to midnight so the overall  
30 intensity is a bit lower. This is a new type of business that the applicant has brought  
31 forward and is part of the Florida Hospital tree of services. Being a new facility they  
32 only have one other type in the region and that's by Fairbanks. They used the statistics  
33 from that facility to back into what they can do here.

34  
35 Mr. Noto said there are some landscape buffer variance requests. The abutting zoning  
36 districts are a key aspect of landscape buffer variances. Landscape variances are  
37 easier to get than other types of variance because they are based on three provisions:  
38 the existing land use and zoning classification of surrounding properties are  
39 inconsistent; the existing zoning classification and future land use designation of  
40 surrounding properties are inconsistent; and the unusual site size, location or  
41 configuration.

42  
43 Mayor Mealor stated the two historic oak trees are going to be saved.

44  
45 Mr. Noto said that was correct.

1 Mr. Noto said the east landscape buffer is the trickiest. He showed the landscape plan  
2 on the overhead. The east landscape buffer abuts the railroad tracks. There are two  
3 properties on the other side of the tracks, one having C-1 zoning and the other one R-  
4 1AA. The subject property is C-1. The landscape buffer requirement widens as you go  
5 south but the subject property gets narrower as it goes south. For this to work the way  
6 it has been designed and the way we think it is best designed with the stormwater pond  
7 at the southeast corner is to request a variance from the buffer width. There are four  
8 landscape buffers. There are two for the east. The one adjacent to the C-1 they are  
9 looking to remove a couple of the required trees. The portion adjacent to R-1AA they  
10 are requesting to shrink the width of the buffer and as a result of that there is less room  
11 to plant all the trees that are required. On the south buffer he mentioned earlier about  
12 the cross access easement which is located there. Because of that easement we didn't  
13 want them to plant too much in that area in the event development occurs sooner than  
14 later and they have to pull out trees and shrubs. You have the western buffer where  
15 they have had to request a thinner buffer and a certain number of trees from being  
16 planted. They will be saving some trees along that buffer area. The site is within the  
17 Lake Mary Boulevard Overlay and as a result they did provide the required live oak  
18 trees along Lake Mary Boulevard.

19  
20 Mr. Noto said they are meeting the minimum parking requirements and have five more  
21 spaces than the minimum. For site lighting there are a few light poles that need to be  
22 moved on the west side of the site that are too close to the property line. That is one of  
23 our conditions of approval.

24  
25 Mr. Noto said there are a number of conditions of approval that we have put in our  
26 report that are staff related. He jumped to No. 8 which is the Waste Pro letter and that  
27 has been taken care of. A number of the conditions are just notes so they are not  
28 forgotten, like No. 1 having to do with the finish of the dumpster enclosure. We deal  
29 with that at the building permit stage and the types of finishes get lost sometimes so we  
30 wanted to make sure it was known. No. 3 is the same way regarding the foot candle  
31 readings. There are four additional conditions under the Planning & Zoning Board and  
32 they recommended approval 3 -2 at their May 12, 2015, meeting provided that these  
33 four conditions were met.

34  
35 Mr. Noto said Condition No. 3 had to do with the building elevations. He showed the  
36 elevations on the overhead. No. 3 has been met. The top elevation is the east which  
37 faces the railroad tracks. The bottom is the old west elevation and is the elevation that  
38 P&Z wanted to see adjusted to match the north and south elevations. It turns out that  
39 was already being planned by the applicant's architect so on the bottom is the new west  
40 elevation that will have the glass look facing Country Club Road. He showed the north  
41 and south elevations. The one on the top will face Lake Mary Boulevard and the south  
42 faces internal to the parking spaces. They show stonework at the bottom and the red  
43 cubes are canopies.

44  
45 Deputy Mayor Duryea asked what was in the middle.

46

1 Mr. Noto pointed out the entryway and the wave at the bottom is the overhang.  
2  
3 Mayor Meador asked what was under the roof and was it an atrium.  
4  
5 Mr. Noto said he would have to defer to the applicant because he had not seen the  
6 internal building plans.  
7  
8 Mr. Noto said Condition No. 2 of the P&Z, you can see the jog in the sidewalk at the  
9 northwest corner of the site. The Planning & Zoning Board asked for that to be  
10 straightened out. There are some utilities and other issues with that corner, however,  
11 the applicant is working with County staff to see if something can be done to straighten  
12 that out so it aligns better with the crosswalk on Lake Mary Boulevard. It is a work in  
13 progress and we are working with the applicant to see if this condition can be met.  
14 They are working in good faith to meet that condition.  
15  
16 Commissioner Miller asked if the sign parallel to Country Club was the only sign.  
17  
18 Mr. Noto answered affirmatively. There will be one ground sign and that will have to  
19 have a brick base as it is part of the Lake Mary Boulevard Overlay.  
20  
21 Mr. Noto said staff is recommending approval of the site plan and landscape variances  
22 pursuant to our nine conditions. There is an additional tenth condition from staff that  
23 would read “no right turn from West Lake Mary Boulevard” to be consistent with  
24 comments from the Police Department, Community Development Director, and staff’s  
25 concerns. Condition No. 8 has been taken care of and P&Z had their four conditions.  
26 He noted the applicant’s representatives were present.  
27  
28 Ms. Reischmann said she wanted to clarify the conditions. She said he indicated of the  
29 staff conditions No. 8 had been satisfied.  
30  
31 Mr. Noto said that was correct.  
32  
33 Ms. Reischmann said so we really have nine total staff conditions and of the four P&Z  
34 conditions, No. 1 and 4 are now moot because there is no access off Lake Mary  
35 Boulevard.  
36  
37 Mr. Noto said that was correct.  
38  
39 Ms. Reischmann said Mr. Noto said No. 3 is gone so No. 2 is just an “if possible” kind of  
40 thing.  
41  
42 Mr. Noto said we are currently working through that.  
43  
44 Mr. Noto said in the absence of minutes from P&Z, P&Z did have concerns with the site  
45 design, the general flow of it.  
46

1 Ms. Reischmann asked if the signs the school requested was a condition that staff  
2 wanted to add.

3  
4 Mr. Noto said we are going to work with the applicant and County staff on that in the  
5 event they require it as part of their right-of-way.

6  
7 Ms. Reischmann said it is not an explicit condition but is going to be worked on.

8  
9 Mr. Noto answered affirmatively.

10  
11 Commissioner Miller asked if this was on sewer.

12  
13 Mr. Noto answered affirmatively.

14  
15 Commissioner Lucarelli said she was happy that Seminole County agrees that a right  
16 turn off the Boulevard is a bad idea. She liked the afterhours type setup and there are  
17 not many of those around here. She was thinking that would help because you're not  
18 going to be too much in rush hour traffic as far as congestion. She had a concern that  
19 people are people and you can't prevent everybody from doing something illegal or  
20 stupid cutting through there to make a left. She didn't know if they wanted to think about  
21 either now or in the future if there is an issue to putting those stick things like we have  
22 on Country Club. That is something we are going to have to monitor.

23  
24 Commissioner Brender asked if the 4:00 P.M. to midnight was written in blood and he  
25 won't see them in six months requesting 12 noon to 12 midnight.

26  
27 Mr. Noto said he would defer to the applicant as to whether or not they would be  
28 comfortable with that. The proposal right now is for 4:00 P.M. to midnight.

29  
30 Commissioner Brender said he didn't care about the proposal now but cared about it  
31 later. He had reservations about the flow of traffic even if it is 4:00 P.M. to midnight. It's  
32 that 4:00 P.M. to 7:00 P.M. period that he was most concerned about and didn't have to  
33 tell you how truly congested, particularly with the SunRail going by, that entire  
34 intersection gets during those hours. Having that right in/right out and then restricting U  
35 turns, we will essentially send people down to Third Street in order to make a legal U  
36 turn right in the middle of the SunRail trains going by. Now we are going to have to go  
37 farther south in order to find a decent place for a U turn. He was concerned about that.  
38 Trains go through there every ten minutes and we are essentially forcing traffic into a  
39 choke point. There is not going to be 20 or 30 people arriving at one time but the first  
40 time somebody manages to land at the railroad tracks at the right time making a U turn  
41 is when we are going to be talking about it again.

42  
43 Commissioner Miller said we have all known that property has constraints but can't  
44 imagine a use much better for it. It preserves the look of it, the appeal of it, and has the  
45 minimum traffic that we would want to have for that location.

46

1 Commissioner Brender agreed it is a low density zoning so in that respect he had no  
2 argument.

3  
4 Deputy Mayor Duryea asked who was building this.

5  
6 Mr. Noto said the applicant is here to discuss the construction team.

7  
8 Deputy Mayor Duryea said there is no way for somebody on Lake Mary Boulevard to  
9 get into that site easily. He didn't know the solution and agreed with the other  
10 commissioners that he wouldn't want to see a 7-11 there. He was trying to think about  
11 what possibilities could exist on that site that will meet the requirements that we have  
12 been talking about. When it was rezoned to C-1 we opened the door to a multitude of  
13 different kinds of development. He asked if there was anything that would fit on that.

14  
15 Mr. Noto said Deputy Mayor Duryea brings up very valid points and we looked at all of  
16 that during our review. What was so eye opening was the hours of the operation, the  
17 size of the building, and the intent of the use of what they are looking to put here. We  
18 looked back to the original conditional use in 2003 and we were talking about almost  
19 16,000 S.F. of total construction with the drugstore, an ATM for a bank, and a separate  
20 retail building. It didn't go to site plan but if memory serves him correctly their access  
21 was also off of Country Club and it was somewhat limited or it was a right in/right out  
22 configuration. There was no access from the Boulevard. In thinking about the SunRail  
23 trains and thinking about Country Club on its own without the train traffic we knew the  
24 stacking lanes were already getting full and then you add in those extra variables and  
25 they become more full. The last thing we wanted to attempt to pull off was a left in from  
26 Country Club because the minute those stacking lanes fill up and you have someone  
27 who wants to turn left into this site, everybody starts backing up to them and before we  
28 know it we are on Lake Mary Boulevard. It's going to be a mix of the business owners  
29 educating their clients on planning accordingly to get to this facility. If you're coming  
30 from the north you are going to have to figure out how to get there. When it comes to  
31 the public safety portion we didn't want to create a bigger situation by having that left in  
32 and more situations with the stacking lanes. We think this is the safest way given the  
33 constraints of the site.

34  
35 Deputy Mayor Duryea said there is no developer's agreement that pertains to the time  
36 usage of this building. Florida Hospital is expanding everywhere. It would not surprise  
37 him to see off site doctors' offices there that are open all the time. He said he didn't  
38 know what to do about that.

39  
40 Commissioner Brender said especially not knowing what's going to happen to the  
41 southern portion of the site which is also C-1.

42  
43 Mr. Noto said C-1 and PO.

44  
45 Commissioner Brender said it is an odd sliver but if it's going to be any kind of C-1 use  
46 all we are doing is increasing that choke point traffic with the right in/right out. He

1 understood this is about as low a density use that we can get but still had the concerns  
2 about safely getting people in there.  
3  
4 Selby Weeks with Klima Weeks Civil Engineering, 385 Douglas Avenue, Altamonte  
5 Springs, Florida, came forward.  
6  
7 Elliott Jamison, 3828 Millennium Boulevard, came forward.  
8  
9 Mayor Meador said in the proposed building plan, internal to the building, he asked what  
10 the arched center area is.  
11  
12 Mr. Weeks said that is just space. That is a parapet roof.  
13  
14 Deputy Mayor Duryea said he had a concern about the future use of the building. Other  
15 than a developer's agreement he didn't think there was any way we can be assured that  
16 building is going to be used from 4:00 P.M. to midnight. He asked Mr. Weeks if he  
17 knew of anything that was going to happen with that building in the future.  
18  
19 Mr. Weeks answered negatively. This is a Florida Hospital Pediatric Center. It is the  
20 second of its kind. The other one you can see from I-4 at Fairbanks on the north side of  
21 Fairbanks and the east side of I-4. That one is already opened and is operating 4:00  
22 P.M. to midnight. We want to be clear as to what we can't do. We can't commit to  
23 limiting the hours from 4:00 P.M. to midnight but that is what the business model is  
24 today. There is not a plan to change that. We've not seen a change in the Centra  
25 Cares. You have one doctor in the facility and staff. A lot of people use the Centra  
26 Cares as their primary physician. They are very low trips. The traffic study we had  
27 done showed that a medical office building is relatively low trips for a C-1 use. The way  
28 this is operating today is half the trips of a regular medical office building.  
29  
30 Mr. Weeks said it has probably been two years since the first time we came in and  
31 started talking about this site. We all recognize the site is a challenge. It's got good  
32 visibility but it's such a tight site. When you take the residential across the train tracks  
33 and the residential of the elementary school, you've got nothing left of the site. We  
34 understand there are access challenges. We met with County staff and walked through  
35 that with them. We have some professional disagreement over it but at the end of the  
36 day, we agreed the best thing we can do with this site to limit traffic and provide for  
37 public safety is the right in/right out. We understand it is not perfect but the other side is  
38 we've got a landowner who does have a legal right to develop his property. He said if  
39 he put himself in staff's shoes and as an engineer having done this for 20 years, this is  
40 the best thing that's going to come to this corner. Anything else is going generate more  
41 traffic. The traffic from the convenience store previously approved would be unreal. We  
42 understand there are challenges, we are not saying it is perfect, but we are saying we  
43 have worked together with City staff and County staff to come up with what we believe  
44 is the best solution for this site.  
45

1 Mayor Mealor said earlier in the staff report there was a request that the hours be 8:00  
2 A.M. to midnight. He asked if that had been modified.

3  
4 Mr. Weeks said the reason for that goes back to what he said earlier. We can't and  
5 Florida Hospital would not want to put themselves in a position where they don't have  
6 any options with this building down the road if something happens. We can't commit to  
7 the 4:00 P.M. When we are asked and it is going on public record and we were going to  
8 have this discussion, we said 8:00 A.M. to midnight. The reality is when it opens it will  
9 be 4:00 P.M. to midnight just like the one is on Fairbanks and there are no plans to  
10 change that.

11  
12 Deputy Mayor Duryea asked what type of lighting would be used.

13  
14 Mr. Weeks said we use regular LED parking lot lighting based on meeting City Code.  
15 The only thing we got in there that didn't meet City Code and we are adjusting that is  
16 there is a light pole setback from the property lines. We have looked into that and it's  
17 not going to be a problem to make that adjustment.

18  
19 Deputy Mayor Duryea asked if in the overlay standards we have downward facing  
20 lighting.

21  
22 Mr. Omana said we have that citywide. We have that and the foot candle dispersion of  
23 the property line that we enforce.

24  
25 Commissioner Brender asked about building lights shining straight out onto the  
26 Boulevard.

27  
28 Mr. Omana said we enforce that via no wall hacks. We get out there with a monitor at  
29 nighttime and read the dispersion off those lights as well. If they are not meeting the  
30 dispersion numbers or being a general nuisance, we make them fix it.

31  
32 Mayor Mealor asked if anyone wanted to speak in reference to this site plan approval  
33 with variances.

34  
35 DeLores Lash, Lake Mary, Florida, came forward. She stated she had concerns and  
36 questions. She asked the Commission to look at the logo behind them. That is our  
37 lake. She wondered how close this building is and the drainage coming off and getting  
38 to Big Lake Mary. They said they are going to do it at 4:00. There is lots of traffic at  
39 4:00 coming off Lake Mary Boulevard. That is really bad. That is a County road and  
40 with the school there. The business she liked. It is a clean business and is better than  
41 a gas station. The other thing she had a concern about is how big is this facility and  
42 how many doctors are going to be in it because they want lots of patients and there is  
43 the concern of going in and out and more traffic. When we rode the SunRail, in the  
44 back of most of the buildings everything was ugly. They didn't take care of it. She  
45 would like to see the City Beautiful of Lake Mary to make sure they do work in the back  
46 like they do in the front so it would look nice for SunRail passengers and let them know

1 we are the City of Beautiful. Her house is about the third one down on Country Club  
2 and when the traffic gets so bad they turn around and it's backed up to Main Road. She  
3 was concerned with the fire trucks getting through. She said she would appreciate the  
4 Commission look into some of the concerns she has.

5  
6 No one else came forward and the public hearing was closed.  
7

8 Mayor Mealor said one of the realities of today's lifestyle in terms of the hours at 4:00  
9 P.M., most times we have both parents working and aren't home until 5 or 6:00, they  
10 pick the child up at daycare or the sitter. It has been his observation that it's usually  
11 post 6-6:30 P.M. before a trip is made to this type of facility.  
12

13 Mr. Noto said the stormwater retention pond is located at the southeast corner of the  
14 site. He pointed out the location on the exhibit. It does extend along the eastern border  
15 to the north. That is the low point of the site. There are elevation differences going to  
16 the east with the railroad tracks and other properties. He showed an aerial to get a  
17 general idea of the distance between the southeast corner of the property and Big Lake  
18 Mary which is separated by the railroad tracks by quite a distance.  
19

20 Commissioner Brender asked where the pond is going to top off.  
21

22 Mr. Noto said we have two inlets coming in from the drive isle. Beyond that he would  
23 ask Mr. Weeks to explain how that interacts with the rest of the drainage system.  
24

25 Commissioner Miller asked Mr. Weeks if he was comfortable saying that all the water  
26 that falls on that property will stay on that property.  
27

28 Mr. Weeks answered negatively. It does have a discharge. In answer to the question,  
29 in most storm events the answer is yes. When you get a design storm event of more  
30 inches of rain than you have throughout the year and you get something that is  
31 abnormal then you are going to have some discharge. What we are required to do by  
32 the City and as well by the water management district, which we have a water  
33 management district permit in hand for this project, is to mimic the pre-developed  
34 discharge conditions from the site. This site generally sheet flows to the south and then  
35 runs off the site to the southeast into the CSX right-of-way. If you stand on the  
36 southeast corner of the site and walk a few feet off the site into that right-of-way, the rail  
37 is probably at your chest and is how high the railroad tracks are above that area. It is a  
38 dry pond, the soils are very sandy and very well drained and it's going to perk well.  
39 That's where you get your treatment when the water makes it through the natural soil  
40 and the bacteria are able to eat nutrients. If you have more water than the pond holds,  
41 it pops off at the southeast corner and sheet flows off to the site down into the swale  
42 that is out there today. From the standpoint of being concerned about water quality in  
43 Lake Mary, there is not a direct pipe that takes water directly to Lake Mary. The water  
44 is going to travel through quite a bit of soil before it's ever going to see Lake Mary.  
45 From a stormwater treatment standpoint, once water passes through two feet of soil  
46 vertically, you reach about 96% of your treatment efficiency in terms of nutrient removal

1 and things like that. The first two feet you get that much. We have a lot more than two  
2 feet for the water to get through before it gets to Lake Mary.

3  
4 Commissioner Miller asked Mr. Weeks if they were employing any type of water  
5 conservation methods in the construction of the building like cisterns or monitoring  
6 rainfall to control sprinkling and that sort of thing.

7  
8 Mr. Weeks answered affirmatively. The sprinkler system will have a rain gauge on it so  
9 it might be set to operate twice a week but if there is sufficient rainfall to turn it off then  
10 the system won't come on. We won't be irrigating if there is enough rainfall for the  
11 viability of the plants. That landscaping plan is a significant investment.

12  
13 Commissioner Miller asked if it was mainly St. Augustine grass.

14  
15 Mr. Weeks said he would have to look at the landscaping plan but believed that it is St.  
16 Augustine. There is a lot of ground cover so if you look at the landscape plans you will  
17 see those landscape islands aren't all sod. There are a lot of different ground covers  
18 and things that are lower water usage than sod.

19  
20 Commissioner Brender said Florida Hospital would not come back to us if they want to  
21 extend the hours. He asked if that was correct.

22  
23 Mr. Not said there is correct. Since it is a site plan and not a conditional use they would  
24 not have to come back.

25  
26 Commissioner Brender asked if we could draft something for them to come back for  
27 Commission approval if they want to change the hours. He didn't want to restrict it but  
28 wouldn't mind after this is built and having the experience with how it is going, if you  
29 guys are going to make a change he wouldn't mind having another look at it.

30  
31 Mayor Mealor asked Commissioner Brender his objection.

32  
33 Commissioner Brender said if it's earlier in the day and you start bringing people in at  
34 2:00 P.M. and the elementary school is letting out. That's one of the worst times on  
35 Lake Mary Boulevard. He said he was still tossing this thing in his head because the  
36 lower density is a key issue and is important but at the same time was trying to wrestle  
37 the access, the use of the southern part of the site if and when it develops and those  
38 kinds of questions.

39  
40 Ms. Reischmann said if the applicant would be agreeable to come back or maybe come  
41 back to staff and report if they are seeking a change of hours and not have any negative  
42 implications from that then there is no problem. We don't have anything in our code that  
43 can require them to seek a change of site plan. If they were to agree to it, it would be  
44 fine but you've heard them say that they can't agree to it. The best we could ask for is  
45 they would agree to speak with staff if they are seeking a change of hours and at least  
46 notify the City.

1  
2 Commissioner Brender said that is probably the best we can do on that particular point.  
3 Once we have the experience of what this building is doing and what effect it is having  
4 to come back in and at least let us know he thought that was only fair. If something else  
5 happens we can have that discussion later.

6  
7 Commissioner Miller said Ms. Lash raised the question of fire truck access. He asked if  
8 the fire trucks would have to drive south to find a place to do a U turn.

9  
10 Mr. Noto said it is a mountable curb. He showed the fire truck design on the overhead.  
11 They will have the ability to mount that curb.

12  
13 **Motion was made by Commissioner Lucarelli to approve the site plan with**  
14 **variances for 105 South Country Club Road to include all the conditions and**  
15 **findings of fact that hold true of staff including the revisions the City Attorney**  
16 **mentioned, seconded by Commissioner Miller and motion carried by roll-call**  
17 **vote: Deputy Mayor Duryea, Yes; Commissioner Miller, Yes; Commissioner**  
18 **Lucarelli, Yes; Commissioner Brender, No; Mayor Mealor, Yes.**

19  
20 Mayor Mealor asked Mr. Weeks to tell his clients that the Commission appreciates their  
21 investment in the City.

22  
23 D. Ordinance No. 1526 – Rezoning from Planned Unit Development (PUD) to  
24 PUD (Revision to adopted Rinehart Place Final PUD), related to the proposed  
25 development of a Florida Hospital emergency medical facility, 950 Rinehart  
26 Road, Kimley-Horn & Associates, Inc./Jonathan Martin, P.E. for Adventist  
27 Health System/Sunbelt, Inc., applicant – First Reading (Public Hearing)  
28 (quasi-judicial) (Gary Schindler, City Planner) (Postponed 5/21/15)

29  
30 Ordinance No. 1526 was postponed to August 6, 2015, earlier in the meeting. See  
31 Page 3, Line 9.

32  
33 10. Other Items for Commission Action

34  
35 There were no items to discuss at this time.

36  
37 11. City Manager's Report

38  
39 A. Items for Approval – None

40  
41 There were no items for approval at this time.

42  
43 B. Police Pension information

44  
45 Ms. Sova said in the packets is information from the workshop we held regarding the  
46 Police Pension Plan and the requested plan changes. She asked to have a July 9<sup>th</sup>

1 workshop at 5:30 P.M. to continue that conversation. The City's pension attorney,  
2 Glenn Thomas, will be here.  
3  
4 There were no objections from the Board.  
5  
6 Ms. Sova requested to schedule a workshop on July 23<sup>rd</sup> at 5:30 P.M. to discuss the  
7 budget.  
8  
9 Mayor Mealor asked if that would give the team enough time.  
10  
11 Ms. Sova said it will but we could hold a second workshop if we need to.  
12  
13 There were no objections from the Board.  
14  
15 Ms. Sova said we are seeking the Commission's support for an approximately \$50,000  
16 grant request to the Department of Economic Opportunity for a Rinehart Road Corridor  
17 Planning Study.  
18  
19 Ms. Sova said the Summer Car Show Series will be in Downtown Sunday, June 14<sup>th</sup>,  
20 from 11:00 A.M. to 2:00 P.M. We expect 60 to 70 cars including hot rods, classics, and  
21 customized newer vehicles. There will be entertainment.  
22  
23 Ms. Sova said we had a good WineART last night, probably one of our largest ones. At  
24 8:00 there were still 300 people here. The trucks did well all the way to 9:00. She  
25 thought everyone was very happy with that.  
26  
27 Ms. Sova said she would be at the annual PRM Conference for the next meeting and  
28 John Omana will be sitting in her stead.  
29  
30 Commissioner Miller asked if we needed a motion for support of the grant. Ms. Sova  
31 answered affirmatively.  
32  
33 **Motion was made by Commissioner Miller to support the approximately \$50,000**  
34 **grant request to the Department of Economic Opportunity for a Rinehart Road**  
35 **Corridor Planning Study, seconded by Commissioner Lucarelli and motion**  
36 **carried unanimously.**  
37  
38 12. Mayor and City Commissioners' Reports – 2  
39  
40 Mayor Mealor said the University of Central Florida Division of Continuing Education  
41 posted a very large delegation from the University of Bocata at their request because of  
42 the economic development interest and the reputation we are having for the  
43 public/private partnerships. He said Dr. Tomerlin and Steve Noto were asked to  
44 present. This was a very distinguished panel that presented to them and the feedback  
45 was exceptional in terms of the information presented and the feedback from the group.

1 He thanked Ms. Sova for the opportunity for staff to tell our story to an international  
2 audience.

3  
4 Deputy Mayor Duryea had no report at this time.

5  
6 Commissioner Miller had no report at this time.

7  
8 Commissioner Lucarelli said John Omana sat in for her at the RPA meeting. She said  
9 she, Tom (Tomerlin) and John (Omana) would be coordinating for the next one and the  
10 next one is going to be "gloves on".

11  
12 Commissioner Brender said he attended CALNO at Seminole State College and they  
13 are building a new gymnasium/wellness center/fitness center. Walgreen's has stepped  
14 in offering to run a drugstore within the confines of the building. It is a P3 project  
15 (Public/Private Partnership). They have chosen the developer and expect  
16 groundbreaking within the next six months and completion in early 2017. They have  
17 approached the School Board about combining with them for the wellness center. They  
18 are talking about approaching us.

19  
20 Commissioner Miller asked if that was the Sanford campus.

21  
22 Commissioner Brender said the Sanford/Lake Mary campus.

23  
24 13. City Attorney's Report

25  
26 Ms. Reischmann had no report at this time.

27  
28 14. Adjournment

29  
30 There being no further business, the meeting adjourned at 8:30 P.M.

31  
32  
33

34  
35 \_\_\_\_\_  
George F. Duryea, Deputy Mayor

34  
35 \_\_\_\_\_  
Mary Campbell, Deputy City Clerk

36  
37  
38  
39 ATTEST:

40  
41  
42  
43 \_\_\_\_\_  
44 Carol A. Foster, City Clerk