



LAKE MARY CITY COMMISSION

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

**Regular Meeting
AGENDA
THURSDAY, FEBRUARY 2, 2023 7:00 PM**

- 1. Call to Order**
- 2. Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes**
 - A. Approval of Draft City Commission Meeting Minutes for January 19, 2023**
- 6. Special Presentations**
- 7. Citizen Participation** - This is an opportunity for anyone to come forward and address the Commission on any matter relating to the City or of concern to our citizens. This also includes: 1) any item discussed at a previous work session; 2) any item not specifically listed on a previous agenda but discussed at a previous Commission meeting or 3) any item on tonight's agenda not labeled as a public hearing. Items requiring a public hearing are generally so noted on the agenda and public input will be taken when the item is considered.
- 8. Unfinished Business**
- 9. New Business**
 - A. 2022-RZ-08, Ordinance No. 1679, A request for the Second Amendment to the New Century Planned Unit Development (PUD) for Orlando Health Signage at 380 and 392 Rinehart Rd. Applicant: Mr. Andrew McCown, GAI Consultants, Inc. (Quasi-Judicial – Public Hearing – First Reading) (Sabreena Colbert, Project Manager)**
 - B. 2022-CU-02, A request for a Conditional Use for a Pharmacy in the M-1A, Office and Light Industrial zoning district, located in an existing building at 731 Stirling Center Pl., Suite 1901. Applicant: Mr. Sunny Aggarwal, Stirling Center Pharmacy (Quasi-**

Judicial – Public Hearing) (Chris Carson, Project Manager)

- C. 2022-VA-01, A request for a variance from Chapter 160.05(A), 160.05(B) and Appendix A City Code of Ordinances, for the unopened portion of Leslie Ln. Applicant: Peter Mangos (Quasi-Judicial – Public Hearing – Chris Carson, Project Manager)
- D. 2022-RZ-10, Ordinance No. 1680, A request for rezoning of +/-2.84 acres of property located at 401 Longwood Lake Mary Rd. from A-1, Agriculture to R-1A, Single Family Residential. Applicant: Ephraim Grubbs, Urban Construction, LLC (Quasi-Judicial – Public Hearing – First Reading) (Sabreena Colbert, Project Manager)
- E. Traffic Enforcement Agreement with Griffin Park at Griffin Farms Homeowners' Association and City of Lake Mary (Public Hearing) (Michael Biles, Police Chief)

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

- a. Vehicle and Equipment Replacements for FY 2023
- b. Water Treatment Plant Control Panel Upgrades
- c. Police Department and Parks & Recreation Surplus Items

B. Items for Information

C. Announcements

12. Mayor and Commissioners Report - 4

13. City Attorney's Report

14. Adjournment

UPCOMING MEETINGS: February 16, 2023

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.



LAKE MARY CITY COMMISSION

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

**Regular Meeting
MINUTES
THURSDAY, FEBRUARY 2, 2023, 7:00 PM**

NO VIDEO RECORDING WAS MADE FOR THIS MEETING.

1. Call to Order

The meeting was called to order by Mayor David Mealor at 7:00.

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call

David Mealor, Mayor
Jordan Smith, Commissioner
George F. Duryea, Commissioner
Justin York, Commissioner
Kevin Smith, City Manager
Stephen Noto, Assistant City Manager
Michelle McCurdy, City Clerk
Krystal Clem, Community Development Director
Bruce Paster, Public Works Director
Michael Biles, Police Chief
Michael Johansmeyer, Fire Chief
Brent Mason, Finance Director
Allison Marcous, Human Resources Manager
Bryan Nipe, Parks & Recreation Director
Corey Bowles, Assistant Fire Chief

Tina O'Brien, Fire Inspector
Lillian Sexton, Fire Marshal
Danielle Koury, City Engineer
Sabreena Colbert, City Planner
Chris Carson, Senior Planner
Katie Reischmann, City Attorney

5. Approval of Minutes

A. Approval of Draft City Commission Meeting Minutes for January 19, 2023.

Commissioner Duryea made a motion to approve the Draft City Commission Meeting Minutes of January 19, 2023. Commissioner York seconded the motion, and the motion carried unanimously.

6. Special Presentations

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

No one came forward, and the citizen participation section was closed.

8. Unfinished Business

9. New Business

A. 2022-RZ-08, Ordinance No. 1679, A request for the Second Amendment to the New Century Planned Unit Development (PUD) for Orlando Health Signage at 380 and 392 Rinehart Rd. Applicant: Mr. Andrew McCown, GAI Consultants, Inc. (Quasi-Judicial – Public Hearing – First Reading) (Sabreena Colbert, Project Manager)

Katie Reischmann, City Attorney, read Ordinance No. 1679 by title only.

Sabreena Colbert, City Planner, came forward to discuss the information as presented in the Staff Report, which was included in the agenda packet for review.

Mayor Mealor discussed the importance, in terms of wayfinding, the identification of the name Lake Mary appearing on the signage. He stated that he understands that Orlando

Health has copyright protections and appreciates Lake Mary being significantly featured on the monument sign. He hopes that maybe on the larger wall signs that the words Lake Mary can be added. It is something that we might want to share with Orlando Health and get their input during the second reading.

Mrs. Colbert deferred to the applicant on this.

Andrew McCown with GAI Consultants came forward. He stated that there is a representative from Orlando Health in attendance. The comment will be shared with the Orlando Health team and be brought back to Commission on the second reading of the item.

There were no further questions related to this item. The item was then opened for public hearing. Nobody came forward and the public hearing section was closed.

Commissioner Smith stated he supports Mayor Mealor's comment regarding the incorporation of Lake Mary into the larger signage.

Commissioner York made a motion to approve Ordinance No. 1679, A request for the Second Amendment to the New Century Planned Unit Development (PUD) for Orlando Health Signage at 380 and 392 Rinehart Rd. Commissioner Smith seconded the motion and the motion carried 4-0 by roll-call vote. Commissioner Smith, Yes; Commissioner Duryea, Yes; Commissioner York, Yes; Mayor Mealor, Yes.

B. 2022-CU-02, A request for a Conditional Use for a Pharmacy in the M-1A, Office and Light Industrial zoning district, located in an existing building at 731 Stirling Center Pl., Suite 1901. Applicant: Mr. Sunny Aggarwal, Stirling Center Pharmacy (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)

Chris Carson, Senior Planner, came forward to discuss the information as presented in the Staff Report, which was included in the agenda packet for review.

There were no questions related to this item. The item was then opened for public hearing. Nobody came forward and the public hearing section was closed.

Commissioner Smith made a motion to approve 2022-CU-02, A request for a Conditional Use for a Pharmacy in the M-1A, Office and Light Industrial zoning district, located in an existing building at 731 Stirling Center Pl., Suite 1901. Commissioner Duryea seconded the motion and the motion carried 4-0 by roll-call vote. Commissioner Duryea, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Mayor Mealor, Yes.

C. 2022-VA-01, A request for a variance from Chapter 160.05(A), 160.05(B) and Appendix A City Code of Ordinances, for the unopened portion of Leslie Ln. Applicant: Peter Mangos (Quasi-Judicial – Public Hearing – Chris Carson, Project Manager)

Mr. Carson came forward to discuss the information as presented in the Staff Report, which was included in the agenda packet for review.

Mrs. Reischmann stated that the City basically has the same situation with this item as the prior item. There was an approval, it was several years ago, and it expired. We do have a concept called Administrative res judicata, which is a Latin term, meaning we need to act consistently, unless there has been a change of situation. We should try to be consistent. She stated that there was some question regarding the public notice from the president of the HOA. She stated that what was provided was consistent with code section 154.09. The original application was generally for a variance to chapter 160. The original mailed notice and the posted notice omitted one section of 160.05. It referenced A and not B. However, this does not negate the notice because at the Planning and Zoning Board meeting both sections were discussed extensively. Many members of the public got up and spoke as to both. Additionally, the notice in the newspaper referenced both 160.05 A and B and that is compliant with the code.

She stated that this a platted right-of-way, as Mr. Carson mentioned. A City, by law, has the right to open a platted right-of-way. But that is not what is being done here. This is simply seeking to allow this gentleman to utilize our road for a driveway. There is no street being opened here, and Mrs. Koury made that clear at the Planning and Zoning Board meeting. The City is seeking a variance, even though the applicant is bearing the cost of completing the driveway and so forth. The variance here is the very smallest variance that would allow him to access his property. All costs are being paid by the lot owner. As Mr. Carson mentioned, there are absolutely no variances required for the home. She also wanted to clarify Mr. Carson's comment regarding the applicant having no other option to access his property. He could go from Wagon Wheel Way, ask for easements, pay a lot of money, and it would take a lot of time. The City is not demanding him to do that, even if we had the right, we're not making that demand. The City is simply saying here is the right-of-way that we have. If you pay to improve it, you pay for drainage, you maintain it, then you have an ability to use that platted right-of-way. She stated that another point that Mr. Carson raised was regarding an appeal from any decision by this board. She stated that any appeal would go to the Circuit Court. The Staff Report does mention an appeal to the Commission but obviously that is not possible, it would be to the courts.

The applicant Peter Mangos, 285 Belle Fontaine Circle, was asked to come forward. He didn't have any further comments at this time.

Mayor Mealor gave him the courtesy to come back up any time during the public hearing.

The item was then opened for a public hearing.

Sylvia Healy, 218 Leslie Lane, Lake Mary, Meadow Brooke HOA subdivision president, came forward. She stated that the HOA collectively is opposed to the approval of the variance request. They come before the Commission to request a delay in any action on this application, pending further research, and verification of the legality of Lake Mary granting a public road to be constructed to private property on Leslie Lane. They collectively understand that construction of the driveway on Lake Mary property would violate EPA Federal Code 33 U.S.C. as it relates to the clean water act of 1972 and the impact that the driveway would cause to wetlands, wildlife, and the environment. They collectively would like to point out that the application does differ from the one in 2005, and as a result of the soil and drainage, a year later the driveway was never built. Therefore, there is no precedent within the law to approve the Mangos application. Any driveway constructed would be Lake Mary property, and as such, would be able to be used by any resident of Lake Mary and the general public. They would like to offer an alternative option of using Wagon Wheel Way as it would not require any Lake Mary land. She stated that it was incorrectly implied at the January 10th Planning and Zoning Board meeting that there is no other access that can be provided to the property, and that is not accurate. There is no other City land but there is a private land option which has yet to be explored. They asked that these other options be thoroughly researched prior to moving forward on this application.

She stated that in her capacity as HOA President, she'd like to point out that they incur a monthly cost to maintain landscape and utilities on Leslie Lane. The Mangos' will then be obligated to reimburse the HOA on a monthly basis in the form of dues as all Meadow Brooke homeowners pay association fees. Since there is no 194 Leslie Lane, this would violate the covenants of their HOA. The Meadow Brooke HOA takes exception to an address being assigned to 194 Leslie Lane, as this again would present an issue with respect to the HOA covenant. As a reformed resident we have no circumstance where we could build out or develop in this very area where the applicant is asking for a variance. The HOA residents have been told, "no, you may not build". But this applicant wants the City to say yes, you can build. That is not fair. Most importantly is the safety concern to the residents, including young children, and pets of the Meadow Brooke HOA as it relates to traffic on Leslie Lane. We have one way in, and we have one way out. The driveway would be on a blind curve. It would impede the flow of traffic. It would also cause a loss of enjoyment of quiet in their homes from the building of the driveway, as you would need to utilize equipment that would also impede the traffic flow of their one way in and one way out of their homes. They are not against property rights; they are against City land use for one private owner. There are forty-nine other homes, and their voices need to be heard. She thanked Commission for their time.

Mayor Mealor thanked Mrs. Healy. He stated that they would now go ahead and hear from anyone who would like to speak in reference to this item. As is custom, you will

identify your name and address for the public record, you will be limited to three minutes. Anyone who would like to come forward, please feel free to do so.

Tom Dees, 142 Wagon Wheel Way, came forward. His property adjoins the access variance being discussed, approximately 450' along his entire southern boundary line, also the estate and proposed home which adjoins the entire approximately 200' of his western boundary line. He is the private option that was spoken about earlier. They are going to hear a lot about the issue of water, especially drainage, problems that are already occurring surrounding this proposed right of way. He said he could go on and on telling them about the sixty-three trees that are going to be cut down to construct this right-of-way and the site home and the impact their removal will have. His access road that runs parallel to the north of the requested variance floods with most minor storms already. His grade is lower than the proposed access right-of-way and he fears more flooding. There appears to be a channel created by his access road in the proposed variance that will cause damage to his neighbors to the east. When the creek to his east and the channel water collides it causes severe damage, as was the case two named storms ago, trapping the residents along Calico in their homes for a week. The variance comes right past his well about sixty feet. He knows they will have to dig up about three feet of muck and organic soil and replace that with something strong enough for a roadway. They may contaminate his water, and no studies have been done on this right-of-way to say that they have or not. He knows mitigation studies are expensive but thinks there should be something done in order to make an informed decision. He stated he's been informed the City is basing this on past precedent and that our hands are tied. According to a letter dated 02/08/2005, signed by the Community Development Director, Juan Omana, the previous owner's application for the same variance comes with a specific condition. Even after construction approval, if there are any problems with drainage associated with the right- of-way the applicant will be responsible for correcting any problems at his expense.

He provided copies of the specific decision from the Commission meeting in 2005, as a part of the recorded minutes, which approve the requested variance with the condition that the applicant agrees even in a post engineering phase, if there are flooding problems that develop on the southern lots, he will remedy that problem. Mr. Dees stated he knows that it doesn't mention his lot, but it takes care of Meadow Brooke's problems and concerns. He sees a required maintenance of the right-of-way, and City intervention if it's not maintained, but not this. He lives on a private drive; this application doesn't address any City intervention concerning his neighborhood or his lot. It will ease his mind if we go to the same condition now, as back then and add in his lot. He stated more than likely the City attorney is going to come back at him, saying the application covers the intent of the first approval's condition. He doesn't think that is the case here. The last approval's condition was very specific in its wording. The word flooding isn't even in the application. He asked if Commission was going to vote against the way Commissioner Duryea voted last time. He voted for these conditions and all of the Commissioners at this time seemed to vote against him and it was good enough back then. He's sure it should be good enough now. It was worded well enough then,

maybe an addendum to this agreement can be added that specifically protects them from any type of drainage or flooding problems. If the City doesn't, they are giving special treatment to Mr. Mangos that wasn't given to the last applicant. There are no specified protections at the applicant's expense for flooding or damaged lots and that is unprecedented.

Joseph Uzel, 236 Leslie Lane, came forward. He had questions regarding items previously brought forth. He requests Commission to at least get answers before voting on this issue. He would like to know if the electric lines will be above or underground and where will the drainage pipes under the driveway be located as the driveway plan doesn't show these pipes. He expressed concerns of delivery vehicles and the placement of the mailbox on the curve. He also expressed concerns of the necessary amount of muck to be removed.

Barry Revels, 140 Wagon Wheel Way, came forward with concerns of flooding. He stated if there was a guarantee of no impact to his property, he would be ok with this. He wanted to know who would be responsible if he is impacted.

Juliet Wilkes, 349 Leslie Lane, came forward. She is speaking on behalf of her parents, Luis and Julie Trivino who also reside at 349 Leslie Lane. She expressed their concerns regarding Mr. Mangos' lack of due diligence, the acknowledgement of how times have changed since the original design, their past denial of construction on their own property, and whose responsibility any damage to their properties will belong to.

Erica Nathanson, 138 Wagon Wheel Way, stated she has spoken with the Army Corps Civil Engineer, St John's River Water Management District, and the Department of Environmental Protection. None of which were aware of this proposed project. She wanted to know if a formal wetland determination, or a flood plain field permit has been required and if so, was it fulfilled. She wants to know who will obtain mitigation points and credits if they are required, water shed mitigation in terms of permitting and then maintenance of drainage. She asked if there will be a retention pond. She stated they welcome new neighbors they just want to make sure their land won't be damaged in the process.

Rita Hite, 289 Leslie Lane, came forward. She stated if a precedent has been set then why is the condition of the variance removed. All studies need to be done with no injury to anyone's property. Mr. Mangos is being granted special privilege. The City is responsible for protecting all of the stakeholders. She is concerned about flooding, drainage, and property damage. There was a study done by the previous owner with Consulting Engineer Group. The concerns with the entrance driveway are that there was superficial organic soil encountered. The organic soils are unsuitable to provide adequate support for the proposed entrance drive. Above normal site preparations will be required to adequately prepare the foundations soils for this portion of the proposed construction. He will need to dewater and demuck. Based upon discussions, total removal of the organic soils may not be economically feasible for the development of

this lot. The rate of settlement is monitored in order to determine when the surcharge load may be removed. Note that the settlement monitoring in the surcharge processing is extremely important in the overall success for the surcharge and for the road. She asked Commission to think of Lake Mary and think of the community.

Linda Bennett, 216 Meadow Bay Court, came forward to discuss her concerns regarding the drainage and flooding. She stated they are a single access community; we need a safe and public access to Country Club Road. If there is flooding, they won't have that. In addition, when there is a lot of flooding they have reduced, usable lot size. The families around the pond and those that are here tonight that back up to the new proposed road will have less actual lot to use and more muck. That would not only effect Meadow Brooke but the Countryside residents are going to have the same issue and ultimately affect the property values. The current plan calls for removal of over fifty trees, the engineers have plans to mitigate this but there is still going to be drainage and flooding issues. She thinks it will be injurious to their neighborhoods and wanted to share pictures of previous flooding. She stated that in all of the pictures the overflow drains were submerged, the trees were underwater, the ponds going right up to the homes.

Nancy McGrath, 337 Leslie Lane, came forward. She wanted to share comments of the 2005 Commission meeting that her husband had made. She thinks Commission will see that not much has changed. We have the same drainage and structure issues as we had back then. Mr. McGrath's lot is extremely dense with so much undergrowth. It is a part of the St. Johns River Water Management Conservation area. He had only been to the back of his lot one time in eleven years. In that area you automatically sink down, heavy rains accumulate back there. Currently the elevations are such that they are all downstream or at lower elevations of the applicant's property. The existing drainage is underneath the proposed opening of Leslie Lane. There is a culvert that brings it across the current Leslie Lane over and back down to the first lot in the subdivision. It is all underground and it opens up in an above ground flow and flows across about another quarter of a mile and then into Soldier's Creek. Soldier's Creek actually comes under Leslie Lane a quarter of a mile or so and then this flow joins it there. They were looking at some type of commitment maybe a condition granting the variance that the drainage will be provided for and will be verified before the road is put in. His second concern was with how the road is going to be surfaced. All of the current roads in the subdivision are asphalt roads, graded, have concrete gutters and storm drains. One of the six criteria looked at for granting approval on the variance is that no special privilege is given to the applicant in terms of granting the variances. It appears the City is granting some type of special privilege to the applicant by saying all he has to do is put in the compacted base and subbase and a dirt road. Her request would be some type of commitment or item added to the approval of the variance that the applicant would put the same kind of road in.

Larisa Bagley, 245 Meadow Bay Court, came forward. At the last meeting she submitted a petition which included sixty-one residents in opposition of the current

plans, as they are. Variance 154.06 states that the granting of this variance will not be injurious to surrounding territory or otherwise detrimental to the public. Which has been discussed, as well as, to hold a public hearing for a variance after due public notice is provided, and written notice to adjacent property owners. She stated they hadn't received any notice in the mail at all. She provided several pictures of the curve and standing water. She discussed her concerns of making the curve more visible for safety reasons but that would eliminate more of the root system which helps with the water. She stated that this property should still be a parcel and not have a number assigned to it. The notice doesn't show the proper variances and they did not know about the other portion of the variance until the last meeting. If approved, they would like an agreement similar to the previous one. She stated that they have a beautiful brick entrance to Meadow Brooke, maintained by the HOA fees. She submitted invoices for the power washing of sidewalks and gutters that she stated are City owned but they maintain. She expressed concern regarding the trucks coming in compromising the safety of the neighborhood. She stated that the neighborhood mows, edges, and cleans, except for the hanging trees. The City hasn't come out to trim them, so they are apprehensive of hearing something will just be taken care of. She stated, as it is a City road, she doesn't think it is their responsibility to mow, edge and power wash but they do it because they care. Mr. Mangos is going to enjoy all of that. She'd like the City to come up with a solution as well as more due diligence in surveying the land and the muck. She stated she would also like to see Mr. Mangos pay the HOA fees or pay to maintain that road.

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

Mrs. Reischmann stated that in regards to the one issue about the prior approval and this approval, there is a ten page agreement which is a condition to approval of this matter and in that ten page agreement it provides that the owner bears all of the expense. The first thing that the owner has to do in consultation with the City is prepare plans for this strip and part of the plans are going to involve drainage which she is sure the City Engineer can explain. The document is much more detailed than the one condition we had with the prior approval and it goes into the fact that the construction must be in accordance with the plans, that the maintenance must be in accordance with the plans, and it also talks about being in accordance with all governmental requirements including federal and state which, as Mrs. Clem pointed out at the Planning & Zoning Board meeting, we can't demand those permits before the property owner applies for this variance.

Mayor Mealor stated that we don't have to demand that, yet we are being asked to submit something that we grant approval by statute but let's just say hypothetically we approve it and St. Johns says no. Why would it not be in the applicant's best interest and certainly from a cost perspective to seek that approval prior to coming to the City which we know that by statute we really don't have a lot of wherewithal to deny. That is a private property rights act. We are not going to purchase that property but why is it that that applicant wouldn't seek that out first.

Mrs. Reischmann stated that she doesn't have the information to say whether the applicant has had discussions with these agencies, but it would certainly behoove them to do that.

Mayor Mealor asked Mr. Mangos to come forward. He stated that we will agree with enthusiasm, but we are also going to disagree with respect, and that is what he appreciates tonight. The presentations have been very respectful. He stated he is aware of the difficulty in getting Meadow Brooke approved in the beginning. The discussions weren't unlike where we are tonight. He has observed that corner. He has friends that live on Wagon Wheel Way in that area. For decades he's been very familiar with that quadrant of the City. He stated he is concerned, as the applicant and the property owner, it would make sense that you would want to have the approval of St John's River Water Management District prior to this. He understands that there may be economic considerations but the concern he's heard is about the issue of drainage and unfortunately this past season was unprecedented. The City has USGS maps that would never have predicted what happened. It wasn't a 100-year storm, it was a 500-year storm. The reality of it is that we've had to deal with it. He stated that Main Road was mentioned. Public Works is already working on a plan to move that water. Calico is an issue. Technically it isn't a City road, but we're already working with them. We've corrected the drainage issue on Leslie Lane when we cleaned the pipes out. He stated he is concerned, as he has great respect for the applicant and resident, as he does the 49 homes in that community. He's worked with many of them since they've moved here. He feels that a lot of this could be resolved if the applicant simply had that approval first. He stated the applicant is aware the City is unable to deny this. He asked why not seek that out and as soon as you have that approval you come back, and I can't speak for my colleagues, but it would only make sense to me because you are entitled as a property owner to certain rights. But at the same time the rules and regulations and nuance, we must follow.

Mr. Mangos stated that those are all good concerns and good thoughts. He respects all of his neighbors being here. They're just concerned about their property of course as he is also. He stated he has worked for Disney for twenty years. He has a civil engineering background and he has a lot of experience dealing with St John's River Water Management District and some experience with the wetland mitigations. He has also been in constant contact with the City of Lake Mary's City Engineer, Mrs. Koury. He is aware that some of the neighbors have indicated he didn't do his due diligence prior to purchasing the property but that is not necessarily the case. He was in contact for about a month prior to purchasing the property and those were part of the discussions they had been having. He stated he will be impacting a very small portion of the wetlands, .26 acres and .1 of those acres and is to provide a swale on the south side in order to mitigate water coming from the north in that direction. He will actually, in a sense, be improving, and helping the water get to where the catch basin is currently. For the longest period the extra water in that area may have had to do with the fact that no one knew that catch basin was there. It was cleaned up by the City and that improves that whole drainage. Mr. Mangos stated in regards to the wetland mitigation, he's been in

contact with the DEP, St. John's, and thinks it is such a small portion there is really no denying him from building there. There are going to be some stipulations in regards to how they want us to move the water and mitigate that. He has discussed this with Mrs. Koury, and they have designed culverts on the right-of-way in order to remove the water from north to the south, closer to that catch basin. This evening he hopes that the Commission reviews everything and grants him the permission to move forward for him to build the driveway to get to his property, with the idea he is already mitigating the water flow to the south. He stated that he doesn't see a lot of issue with the other agencies not granting permission. They are going to have certain stipulations which have already been included in his design for that right-of-way. Regarding the trees, there are a lot less trees to be cut down than mentioned before. He is going to save as many trees as possible.

Mayor Mealor stated that the issue of responsibility is a part of the ten-page agreement, and asked Mrs. Reischmann to verify.

Mrs. Reischmann stated that the City will maintain the right-of-way, if he doesn't maintain it, and then charge him. She stated the City also has a default provision that provides specific things that can be done should he default. One of which is to simply terminate the agreement and he would no longer have a right to utilize the right-of-way. Obviously, that would be devastating, but that is all written into the agreement, which is actually more strict on Mr. Mangos than the prior owner.

Mayor Mealor asked if there were any questions for the applicant.

Mr. Mangos stated that he has taken on the responsibility of making sure that it stays dry as stated.

Commissioner Duryea stated he is looking at a map that designates lots 46, 48, 49, and 50 as partly St John's River Water Management District jurisdictional conservation limit line and asked how that effects this particular project.

Mrs. Reischmann stated they obviously have to have St John's River Water Management District approval and we have that in a condition.

Mrs. Clem came forward and stated that if you look on the overhead you can see the line for the lots that dips down. That is the St. Johns conservation easement. That plat doesn't include the right-of-way since it is City property. The plat only includes the Meadow Brooke subdivision.

Commissioner Duryea asked if he could assume that the whole area slants in that direction.

Mrs. Clem stated that elevation wise, she will have the City Engineer comment on that, but wetland wise there is some wetlands there as well, but it is not part of the conservation easement.

Mrs. Koury came forward and stated that the water does actually come from the north and from the south to this right-of-way which is where the inlet in question is that the City maintains that goes under Leslie Lane and is to provide for that drainage.

Commissioner Duryea asked where the water goes next.

Mrs. Koury stated that there is an inlet on the outside of the bend. The contour drains from this area towards Leslie Lane and from the north area it drains somewhat south towards this unopened portion of Leslie Lane in towards Soldiers Creek towards the east. So for this area, that inlet is what carries all of the water in that area and then it goes underneath Leslie Lane into the ditch along the south side of the currently improved Leslie Lane and towards Soldiers Creek.

Commissioner York stated that we kept hearing from residents that the 2005 conditions stated that if there was any impact to the adjacent neighbors that the property owner would be responsible and asked if that was included in the ten page agreement.

Mrs. Reischmann stated that it's not in those exact words but the ten page agreement is much more specific than the condition that was presented in 2005. The applicant now has to present plans, they have to be approved by the City, and they have to maintain in accordance with those plans. A big part of those plans includes the drainage aspect that he has worked with the City Engineer to prepare.

Commissioner York asked staff if they were aware of why the other variance expired and if the previous applicant had a hard time getting the proper permits from the respective agencies.

Mr. Carson stated he wasn't sure if they had issues with the other agencies. He knows that the one-year time period lapsed.

Commissioner York asked Mrs. Reischmann if the City has concurrent jurisdiction to enforce the state and environmental regulations. He asked if the police department go out there for a violation of this section of the US code as it pertains to EPA regulations

Mrs. Reischmann stated that in general, no. The EPA would have the exclusive jurisdiction.

Commissioner York asked if theoretically there was a violation by Mr. Mangos of the state environmental law how would that get to the attention of those agencies.

Mrs. Reischmann said that any person could call it in to them, and the City of course has an interest in it. Just because the City can't actually bring an action, but it is a part of Mr. Mangos approval in the ten page agreement. He must comply with Federal and State permits so the City could enforce it through the agreement. Since we have a private agreement with him, he would be in default.

Mrs. Clem added that while the road is being constructed it will have to be inspected and pass inspection with the City Engineer so they will be out there and if something is awry it can be reported.

Commissioner York stated that is what he thought but wanted to confirm. He asked if the City currently owns the portion of Leslie Lane that is being used for this driveway.

Mrs. Reischmann stated yes.

Commissioner York asked if, before Commission approves this variance, the City has discretion on the use of the property.

Mrs. Reischmann stated that is correct. The City has the right to open it up as a full, large, public road.

Commissioner Smith asked if it would be accurate to say that presently it is dormant from a usage standpoint.

Mrs. Reischmann stated yes.

Commissioner York asked if we were to deny this variance would Mr. Mangos then theoretically have to go to the neighboring private property owners to secure their cooperation in order to get an easement, such as take them to court or secure a written agreement.

Mrs. Reischmann stated typically when you have a land locked parcel you are entitled to insist upon access in some way or the other. He purchased the property that abuts a public road, so the onus is not on him to go and pay his neighbors to get access. But yes, if he just purchased that property and there was no road running to it then absolutely, he could take his neighbors to court and the court would order him to pay his neighbors a certain amount to have access that is reasonable.

Commissioner York asked if by virtue of the fact that Mr. Mangos had bought this property adjacent to what is effectively a dormant piece of City property is that what compels us to essentially not require him to have to go to the adjacent private property owners and secure easement by that way.

Mrs. Reischmann stated that the key is that this is a platted road. It has been platted for years, so when someone is looking to buy that triangle parcel they are looking on plats, and they are going to be good because of the platted road going right to the property.

Commissioner York asked if the City at any point wanted to go in and essentially pave this property and make it an extension of Leslie Lane, if Mr. Mangos hadn't bought it, could the City do that presently.

Mrs. Reischmann stated yes, if the City received the permission from the State and Federal agencies.

Commissioner York asked if the City would have to go to Meadow Brooke and ask for permission to do that theoretically.

Mrs. Reischmann stated no. It is a full-sized regular road ready to be opened.

Commissioner York stated that it is a road that essentially hasn't been paved yet then.

Mrs. Reischmann stated that he is correct.

Commissioner York asked if there were any legal means by which the City could essentially be permitted to deny this variance pending any negotiations by Mr. Mangos with those adjacent property owners based on the prior questioning.

Mrs. Reischmann stated that would put the City in a bad position liability wise. She asked if he meant we were to deny it or approve it with the hope that he would be able to work something out.

Commissioner York stated if we were to deny this and said you need to contact the neighboring owners and negotiate with them first and then if they all say no then you come back and talk to us.

Mrs. Reischmann stated that would create liability for the City under the Bert Harris Act, and possibly a takings claim, even though he might be able to work something out. But it would probably be before he went to work something out he would have the right to file a suit against the City.

Commissioner York asked if the Bert Harris Act has prevailing attorney fee provisions.

Mrs. Reischmann stated yes it does.

Commissioner York asked if she could explain what the implications are of that.

Mrs. Reischmann stated that the implications would be, as he was preparing his case before he presented all of his data to the City, he would hire lawyers and if we didn't

immediately settle it, he would continue to pay those lawyers and experts including appraisers and planners, and all of that cost would be imposed on the City if we did not prevail.

Commissioner York asked if that means that the City would have to pay Mrs. Reichmann's attorney fees as well as Mr. Mangos' fees.

Mrs. Reischmann stated that he was correct.

Commissioner York stated that while he is asking these questions, he appreciates the comments from residents at both the Planning and Zoning Board meeting and the Commission meeting. He stated that these comments have helped the City develop a record and get more complete information for the Commissioners to consider. He stated based on what the City Attorney has stated that the 2005 application and this application are not identical, but they are too similar, based on what you've described as Administrative res judicata, for us to effectively deny this variance without substantially dissimilar facts.

Mrs. Reischmann stated that is correct. Obviously in eighteen years as it has been stated, there have been changes in the area and changes in the drainage. We would have to have those pointed out clearly on the record in order to change our vote.

Commissioner York asked if Mr. Mangos is still subject to general nuisance and property damage regulations, laws, and ordinances.

Mrs. Reischmann stated that yes, he is.

Commissioner York asked if for example, we permit this driveway to be built and the neighboring property owners believe that he has effectively damaged their property, say by diverting water onto it, they would then have the remedies available by general law.

Mrs. Reischmann stated yes, absolutely.

Commissioner York stated that there was some mention by Mrs. Bagley about technical defects and public notices with the issues raised therein. He asked if there were any merits to them would they be addressed on the appeal or how would they be addressed.

Mrs. Reischmann stated that they certainly could appeal to the courts and raise those issues. However, we have looked at it closely, and we've followed our code. In addition, notice issues are negated when people appear at Planning and Zoning Board meetings and at Commission meetings. Especially since at the Planning and Zoning Board meeting both sections of 160.05 A & B were detailed there and discussed by the residents.

Commissioner York asked if it would be a harmless error if there were technical defects because people did appear at the meetings.

Mrs. Reischmann stated that is correct and because we published notice and posted notice subsequently that mentioned 160.05 A & B.

Commissioner York asked if there is any way that we can ensure that while the applicant is constructing the driveway, if the variance is approved, that we preserve access into and out of the subdivision.

Mrs. Clem stated that yes, typically when we have a site construction permit, we have a meeting with all staff representatives from each department, the contractor building on the site, as well as the applicant. We provide them with all of the information, our expectations as far as access, keeping the roadway clean, and we have an inspector that goes out there during construction. If something is not up to snuff, we can do a stop work order and get the site to a suitable level.

Commissioner York asked why the item is listed as 2022-VA01 and not 2023-VA01 as this is the first variance request this calendar year.

Mr. Carson stated it is based on the application date and we received the application late last year.

Commissioner York asked if this was the only variance requested last year.

Mr. Carson stated that yes it was.

Commissioner Duryea stated he would feel more comfortable if he could see the drawings and the engineering relative to this particular project. He has a suspicion that if we put some sort of semi-pervious road in there he doesn't know where the water is going to go. He stated, with respect to our engineer, it seems like if it goes anywhere, it goes back to the subdivision and into the retention pond.

Mrs. Koury stated that the contouring lines are not shown on the screen, but the general flow for the Meadow Brooke area is from the south to the north towards Leslie Lane on the east. There is a rise back in this area but as you can see on the drawings Mr. Mangos is proposing a swale along his southern portion of the driveway, the northern portion of Meadow Brooke so that it can convey the water and not block any drainage that is flowing to this existing inlet. The pipe is not shown under the road, but the pipe will come under the road and go along the open swale along the currently improved portion of Leslie Lane. She asked for them to keep in mind that these plans are preliminary in nature of what he is proposing, and do not include the drainage pipes that have been discussed with Mr. Mangos to provide. There will be pipes provided underneath and along the road from the north to the south into this swale so that it will not block the flow of drainage from the north, and it will allow it to continue to flow in its

current swale. In the current natural pattern, into the wetland as a whole but into this swale and then conveyed directly to the inlet.

Mayor Mealor stated that we've talked about where the drainage goes, that's not an issue. He asked if the delivery trucks will have access to that property by current statute.

Mr. Carson stated that yes, he believes so.

Mayor Mealor stated that we've talked about the muck removal and asked if the utilities will be above or below ground.

Mr. Carson stated that will come with the building permit. He reiterated that this is for the right-of-way only and not the applicant's property.

Mayor Mealor stated correct, this is not a site plan.

Mrs. Reischmann stated at the risk of repeating herself as well, she wanted to point out that the plans are fully discussed in that ten-page agreement. It's provided in there that we will go back and forth if the City Engineer isn't satisfied with the plans until they are actually approved. Those plans will govern the future of our relationship with this property owner so that he must maintain in accordance with those plans that our City Engineer has approved. In fact, if he does not, the City can terminate this agreement entirely and we have every remedy under law, including seeking damages and seeking specific performance, whatever is needed. Mrs. Reischmann stated in the eighteen years since the 2005 approval we now have much more detail in the approval than we had then as far as ensuring that the drainage won't be an issue.

Mayor Mealor addressed the site line issue that was brought up. He stated that the monument sign for Meadow Brooke was mentioned. It is absolutely beautiful, and it is an amazing community. With that approval process there were many who were adamantly opposed as well, because of the difficulty of projected sight lines. He stated that the City will not approve anything where the sight lines put others at risk or jeopardy.

Commissioner Smith asked if in the ten-page agreement there is language that will protect the adjacent property owners.

Mrs. Reischmann stated the language states that the property owner must build and maintain in accordance with the plans. If not, the City will go in and maintain or terminate the agreement. The plans themselves are what give the protection because that is where the drainage is detailed, and that is what makes Mr. Mangos responsible should the property right-of-way not be maintained in accordance with the plans.

Commissioner York asked to clarify who approves the plans once the final plans are submitted.

Mrs. Reischmann stated that it is the City Engineer.

Commissioner York asked if the plans will be available for public inspection if anyone requests it.

Mrs. Reischmann stated that they would.

Commissioner York made a motion to approve with the specified conditions stated in the Staff Report, noting that a unique situation exists that will not make this decision precedence setting.

Mrs. Reischmann stated that staff had detailed the unique situation, being that this is a long-time platted right-of-way which provides access to the property.

Mayor Mealor stated that it does not create precedent.

Mrs. Reischmann stated correct, this is a very unique situation.

Commissioner York asked if he needed to amend the motion. Mrs. Reischmann stated he would need to agree to add that to the motion. Commissioner York agreed. Commissioner Smith agreed, as to the second motion.

Commissioner Smith thanked the residents for coming. He stated that we have great City staff that will review the plans and make sure the properties aren't impacted and if they are they will be protected per the ten-page agreement. It is a platted right-of-way, and the owner needs access to his property.

Commissioner York stated that he wanted to associate himself with Commissioner Smith's comments. He is aware that it presents a lot of authority issues, and he appreciates everyone coming out. He can safely say we are extremely sympathetic and understand the frustration. No one wants to see their property value diminish. We're all pretty shocked with the level of flooding we observed last year after Ian and Nicole and suddenly flooding is top of mind. He stated he's worked with staff on the Planning and Zoning Board for six years. Since then, he's been on this Commission and he knows staff works very hard with residents to make sure property is protected, and that the law of the City is followed. He stated that the residents can have faith in them, he knows he does. If there are any issues in the future he suggests working with them. He stated he knows people hate to hear this, but our hands are tied to some degree on this because if we don't approve this we very well could be sued and we not only have to pay our attorney we will have to pay their attorney as well. This means less money for public safety, less money for public improvements, and what we can do is try to work with the applicant while at the same time follow the law. That is what is guiding his decision this

evening. He thanked the residents again for coming out. He stated it's late and he knows everyone has busy lives and such. But it does please him to see the residents here. This is democracy in action.

Mayor Mealor stated that this is just the first step in a lengthy process. We all have a responsibility, and that responsibility first and foremost, is to our residents. In terms of what the final project will look like, I have every reason to believe it will be compatible and complimentary to Meadow Brooke.

Commissioner York made a motion to approve 2022-VA-01, A request for a variance from Chapter 160.05(A), 160.05(B) and Appendix A City Code of Ordinances, for the unopened portion of Leslie Ln. with the specified conditions outlined in the staff report, while noting that a unique situation exists that will not make this decision precedence setting. Commissioner Smith seconded the motion and the motion carried 4-0 by roll-call vote. Commissioner York, Yes; Commissioner Smith, Yes; Commissioner Duryea, Yes; Mayor Mealor; Yes.

Mayor Mealor stated that we appreciate the way this was handled and look forward to working with you. Mr. Mangos thank you very much. You've heard this and I know you will do your very best to be a great neighbor.

D. 2022-RZ-10, Ordinance No. 1680, A request for rezoning of +/-2.84 acres of property located at 401 Longwood Lake Mary Rd. from A-1, Agriculture to R-1A, Single Family Residential. Applicant: Ephraim Grubbs, Urban Construction, LLC (Quasi-Judicial – Public Hearing – First Reading) (Sabreena Colbert, Project Manager)

Katie Reischmann, City Attorney, read Ordinance No. 1680 by title only.

Sabreena Colbert, City Planner, came forward to discuss the information as presented in the Staff report, which was included in the agenda packet for review.

There were no questions related to this item. The item was then opened for public hearing. Nobody came forward and the public hearing section was closed.

Commissioner York made the motion to approve 2022-RZ-10, Ordinance No. 1680, A request for rezoning of +/-2.84 acres of property located at 401 Longwood Lake Mary Rd. from A-1, Agriculture to R-1A, Single Family Residential. Commissioner Smith seconded the motion and the motion carried 4-0 by roll-call vote. Commissioner Smith, Yes; Commissioner Duryea, Yes; Commissioner York, Yes; Mayor Mealor; Yes.

E. Traffic Enforcement Agreement with Griffin Park at Griffin Farms Homeowners' Association and City of Lake Mary (Public Hearing) (Michael Biles, Police Chief)

Mr. Smith stated that this is a request to allow the City to enter into a traffic enforcement agreement with Griffin Farms HOA. As you all know these are required for specific traffic enforcement on private roads, we have done this in several other areas of the City. This agreement is similar and has been reviewed by our Police Chief and staff and we recommend approval.

Commissioner Smith asked if there were any issues or concerns.

Mike Biles, Police Chief stated really none. We've had a couple of calls for service in there. What we determined by working with the HOA is they have a new president. The board recommended it based on what is consistent within other private subdivisions within the City. They anticipate, as it fills up completely, running into parking issues and those type of things. This enforcement is in place for us to handle those issues.

Commissioner Smith asked if he sees more resources being on traffic enforcement over there.

Chief Biles stated as needed.

Commissioner Smith made the motion to approve the Traffic Enforcement Agreement with Griffin Park at Griffin Farms Homeowners' Association and City of Lake Mary. Commissioner Duryea seconded the motion, and the motion was approved unanimously.

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

a. Vehicle and Equipment Replacements for FY 2023

Kevin Smith, City Manager, came forward to discuss the information as presented in the Staff report, which was included in the agenda packet for review.

He requested that Commission authorize the purchase of the equipment and declare the referenced vehicle numbers surplus and authorize him to dispose of the same.

Commissioner Duryea stated he noticed the prices have increased dramatically.

Mr. Smith stated that he is correct. Beyond that, there are three items which we were told could not be filled. We are not getting those three items and the other items that we are purchasing are exponentially higher than they have been in the past. This is consistent with what we are seeing these days.

Commissioner York stated he thinks this is a good case in point to look for opportunities to replace equipment sooner rather than later because we don't know when the macro inflation that we're experiencing will abate. The sooner we buy these things the better, that way we can save the taxpayers money.

Mr. Smith stated that we have taken that approach recently with a couple of fire rescue purchases. That is part of the reason we brought that forward. With the three vehicles we did not expect that.

Commissioner Duryea made a motion to authorize City Manager to purchase the equipment and declare the referenced vehicle numbers surplus and authorize him to dispose of the same. Commissioner Smith seconded the motion, and the motion was approved unanimously.

b. Water Treatment Plant Control Panel Upgrades

Mr. Smith discussed the information as presented in the Staff Report, which was included in the agenda packet for review.

He requested that Commission authorize him to execute a purchase order to Southern Flow, Inc for the Water Treatment Plant control panel upgrades in the amount of \$49,075.00.

Commissioner York made a motion to authorize City Manager to execute a purchase order to Southern Flow, Inc. for the Water Treatment Plant control panel upgrades in the amount of \$49,075.00. Commissioner Duryea seconded the motion, and the motion was approved unanimously.

c. Police Department and Parks & Recreation Surplus Items

Mr. Smith discussed the information as presented in the Staff Report, which was included in the agenda packet for review.

He requested that Commission declare the referenced equipment surplus and authorize him to dispose of the same.

Commission approved this item unanimously.

B. Items for Information

None

C. Announcements

None

12. Mayor and Commissioners Report - 4

A. Mayor Mealor

A number of Commissioners attended the ribbon cutting for the new VyStar Credit Union. They mentioned their thank you to both Officers Yielding and Umana for the work they've been doing to get them in place. It was a beautiful event. It is the thirteenth largest credit union in the United States. We talk about quality of life and that company's philosophy and their work contribute to that life and we welcome them to Lake Mary. He thanked the City Manager and the team that was there today for all they have done to bring that group into our community.

B. Commissioner York

He thanked the Rotary Club of Lake Mary and all those who participated in Shred-A-Thon. He stated that Little League Opening Day is on February 18th and he's looking forward to this year's Run With a Hero on the 25th of this month. It is a great event. He is excited for the community to come together for it. We always have a great turn out.

C. Commissioner Smith

He wanted to echo what Commissioner York stated about the Shred-A-Thon. It was a great event. He was glad it wasn't cold. He son volunteered. He wanted to remind everyone on the 16th of this month Lake Mary will be hosting the Tri-County League of Cities. It will be at the Community Center. He hopes everyone can attend. On Wednesday, he attended CALNO in Oviedo. They gave a presentation on the Downtown Redevelopment, Oviedo in the Park, the transition on the main downtown and the downtown trail system. It is fascinating to see what the different cities are doing to revitalize. He attended the MetroPlan Mac meeting this morning. They gave two presentations and gave out the 2022 annual report to share with our residents. He was elected Vice Chairman for the MetroPlan MAC board and is excited about that.

D. Commissioner Duryea

No Report

13. City Attorney's Report

No report.

Mayor Mealor thanked both Mrs. Reischmann and Commissioner York. In many ways we owe you a debt of gratitude. That was not easy this evening. But from your presentation and that knowledge base, coupled with the questioning that Commissioner

York did really set up a dynamic that put us in very winnable situation. He is so thankful that he works with this incredible team and thanked everyone.

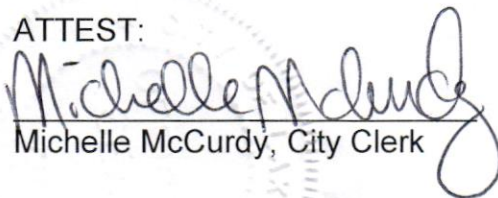
14. Adjournment

There being no further business, the meeting adjourned at 9:09.


David J. Meador, Mayor


Amber Branton, Deputy City Clerk

ATTEST:


Michelle McCurdy, City Clerk

File PM Item 9C



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nirmal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

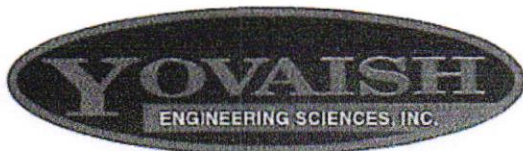
C: VA File

F:\community\My Documents\City Commission\050120 Shaw Office Building SP After CC Ltr..DOC

www.lakemaryfl.com • Main Phone: (407) 585-1400 • Fax: (407) 585-1498

CITY HALL, 100 N. Country Club Road, P.O. Box 958445, Lake Mary, FL 32795-8445

File PH Item 9c



Consulting Engineers in the Earth Sciences, Geotechnology,
Hydrogeology and Construction Materials Testing

May 16, 2006

GDP
105 E. SR 434
Suite 1
Winter Springs, Florida 32708

Attention: Mr. Willie Nee

Subject: **Subsurface Soil and Groundwater Level Investigation, Proposed Panchal Residence, Leslie Lane, Seminole County, Florida (PN 06-E1373.06)**

Dear Mr. Nee:

As requested, Yovaish Engineering Sciences, Inc. has completed a subsurface soil and groundwater level investigation at the site referenced above. The following report presents the results of our field and laboratory investigations and provides our evaluations of the subsoils encountered with respect to the development of the site as a residential lot.

1.0 STUDY AREA DESCRIPTION

The project site is triangularly shaped, comprises approximately $1 \pm$ acre and is located northwest of Leslie Lane in Seminole County, Florida. Plans for the site were not available at the time of our study. However, we understand that the proposed development will consist of a single family residential lot. Based upon information provided to us, access to the site will be provided by the construction of an entrance driveway through a low lying area suspected to contain organic soils. The location and configuration of the study area is depicted on the Location Plan on Figure 1, attached.

2.0 FIELD INVESTIGATION

2.1 Auger Borings

The field investigation included performing a total of four (4) auger borings to depths ranging from 6.0 to 7.0 feet below the existing ground surface. The approximate location of each boring is presented on the Location Plan on Figure 1 and labeled as AB-1 through AB-4.

2.2 Muck Probes

Based on review of U.S.D.A.-S.C.S. soil delineations and our experience with nearby sites, the wetland/low lying located between the lot and Leslie Lane was suspected to contain surficial

953 Sunshine Lane • Altamonte Springs, FL 32714
Phone: 407-774-9383 Fax: 774-7438

organic soils. The vertical extent/thickness of the surficial organic soils were investigated by performing muck probes. The procedure for performing muck probes consists of pushing 5 foot segments of ½ inch diameter pipe through the soft organic deposits with the weight of one man. The depth to which the pipe may be easily pushed represents the depth or thickness of the organic layer. This approach is commonly used in areas which contain surficial organics, and generally allows for an economical determination of the thickness of organics.

3.0 LABORATORY TESTING

Representative samples from each soil layer encountered at each auger boring location were sealed in air-tight containers in the field to prevent moisture loss and returned to our laboratory for examination by a geotechnical engineer. Representative samples were tested for their index properties to aid in soil classification. Laboratory tests performed included natural moisture content, organic content, and percent passing the U.S. No. 200 Sieve. The results of all laboratory testing performed as part of our scope of services on this project are shown adjacent to the Soil Profiles on Figure 2. The Unified Soil Classification Symbol for each soil stratum are presented in the Soil Legend.

4.0 SUBSOIL AND GROUNDWATER LEVEL CONDITIONS

4.1 Soil Stratigraphy

In general, the surficial soil layer encountered consisted of dark gray fine sand with small roots (Stratum 1, topsoil) in the upper 1.0 foot. As an exception, dark reddish brown peat was encountered to a depth of approximately 3.0 feet at the location of auger boring AB-1. The surficial layers were, in turn, underlain by alternating layers of light and dark colored fine sand grading to slightly silty and/or silty fine sands to the boring termination depths. A more detailed description of the soils encountered, with respect to stratigraphy, is presented in the form of Soil Profiles on Figure 2.

4.2 Muck Probe Results

The proposed entrance way to the site was suspected to contain surficial organic soil. This area was investigated by performing muck probes. Based on review of the muck probe results, the encountered organic soils within this portion of the study area anticipated for development generally varied from approximately 1.8 to 7.8 feet in thickness. The muck probe results are depicted on the Location Plan on Figure 1, indicating the thickness of organic soil encountered at each probe location.

4.3 Groundwater Table Conditions

4.3.1 Measured Groundwater Levels: The depth to the shallow groundwater table was measured in the open bore holes at the time the borings were performed and recorded again at least 24 hours later. The groundwater level was encountered at a depths ranging from 0.9 to 4.6 feet below the existing ground surface. The measured groundwater levels are indicated adjacent to the Soil Profiles on Figure 2.

4.3.2 Normal Seasonal High Groundwater Levels: To evaluate the normal seasonal groundwater fluctuations on the site, a review was made of the following: U.S.D.A. - S.C.S. Soil Survey maps for the site, the soil stratigraphy encountered during this study, and the antecedent rainfall conditions prior to the time the groundwater levels were measured. Based on the information discussed above, it is our opinion that the seasonal high groundwater level will occur approximately 1.0 to 2.0 feet below the ground surface within the subject lot and at the ground surface at the location of auger boring AB-1. The estimated normal seasonal high groundwater levels are plotted adjacent to the Soil Profiles on Figure 2.

5.0 EVALUATIONS AND CONCLUSIONS

Variable subsoil conditions were encountered during this study. As such, the required site preparation procedures will vary, as presented below.

5.1 Lot Area

Based on the results of the investigation outlined herein, it is our opinion that with exception to the topsoil layer, the soils encountered within the lot area are of suitable texture to provide adequate support for the proposed construction on conventional shallow foundations. No deleterious material such as peat or muck were encountered within this portion of the study area. In order to improve the bearing capacity of the foundation soils and provide more uniform support throughout the building area, we recommend that once the standard stripping and removal of the existing vegetation and topsoil layer has been performed, the foundation soils be compacted to a minimum density equivalent to 95% of the soil's Modified Proctor Density Value (ASTM D-1557), as tested to a depth of 2.0 feet below foundations and slabs on grade. Fill required to attain final grades should comprise clean fine sand with less than 10% passing the U.S. No. 200 Sieve and be compacted as outlined above. Based upon the depth to the groundwater level encountered, groundwater control may be required to compact the fill.

5.2 Entrance Drive

Based on the results of this investigation, surficial organic soils were encountered throughout the entrance drive. The organic soils are unsuitable to provide adequate support for the proposed entrance driveway. As such, above normal site preparation procedures will be required to adequately prepare the foundation soils for this portion of the proposed construction.

It is our opinion that the most assured way to prepare the driveway area for foundation support is to remove the organic soils in their entirety. This excavation procedure involves a soil exchange where the organic material is removed and replaced by clean granular material. The entire entrance drive should be demucked and backfilled as described below.

1. Any unsuitable organic soils from below the driveway and a minimum margin of 5 feet should be excavated to expose the underlying non-organic fine sand and disposed of as directed by the owner.
2. Dewatering during excavation and backfilling operations will be necessary. If continuous dewatering is necessary to provide complete removal of the organic soils, a series of well points may be required.
3. Following the approval by the Geotechnical Engineer, the excavated area may be backfilled with clean fine sand free of deleterious materials and containing less than 10 percent passing the U.S. No. 200 Sieve. The backfill materials should be placed in 12 inch lifts and compacted to a minimum density equivalent to 95 percent of the soils Modified Proctor Density (AASHTO T-180).
4. The demucking operations should be conducted under the supervision of a representative of Yovaish Engineering Sciences, Inc. to assure complete removal of the organic soils.

Based upon discussions with you, we understand that total removal of the organic soils may not be economically feasible for the development of this lot. As an alternative to completely demucking the site, it is our preliminary opinion that a surcharge program may be implemented to prepare the entrance drive over organic soils. In summary, the surcharge program will consist of over-filling the area where the organic soils will remain to approximately 3 feet above the final grades in order to compress the underlying organic soils that will remain. The rate of settlement is monitored in order to determine when the surcharge load may be removed. Note that the settlement monitoring in the surcharging procedures is extremely important to the over-all success of the surcharge program. For preliminary planning purposes, a surcharge duration of approximately 120 days may be assumed.

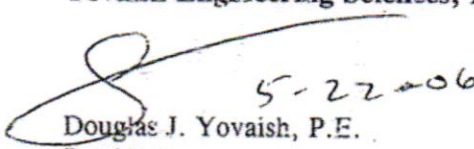
If requested, we would be pleased to further evaluate the potential option to implement a surcharge. As input to our design of the surcharge, details for the driveway grades and elevations will be required. It should be noted that the minimum driveway grade should be 3.0 feet above the present elevations in order for the surcharge option to be technically feasible.

6.0 CLOSURE

We sincerely appreciate the opportunity to be of service on this portion of your site evaluations and trust that the information presented herein is complete and sufficient for your needs. If you have any questions regarding the contents of this report or if we may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

Yovaish Engineering Sciences, Inc.


Douglas J. Yovaish, P.E.
President
Florida Registration No. 52247

/DJY/djy

H:\yes\1geo\2006\06-E1373.06 Panchal Residence, Leslie Lane\06-E1373.01 Panchal residence.vpd

Attachments: Figures 1 and 2

Mite PM. Item 9.C

LAKE MARY CITY COMMISSION

February 3, 2005

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

AGENDA

REGULAR MEETING

6:30 P. M.

or as soon thereafter as possible

AGENDA

- I. Call to Order
- II. Moment of Silence
- III. Pledge of Allegiance
- IV. Roll Call
- V. Approval of Minutes: January 20, 2005
- VI. Further discussion on selection of City's representative in Tallahassee
- VII. Reports
 - A. City Manager
 - B. Mayor
 - C. Commissioners (2)
 - D. City Attorney
- VIII. Unfinished Business
 - A. Ordinance No. 1156 - Change of zoning from C-1 Commercial to DC Downtown Centre, 142 W. Lakeview Avenue; Shaw Construction and Management Services, Inc., applicant - Second Reading (Public Hearing) (quasi-judicial)
 - B. Ordinance No. 1157 - Purchase of property at 911 Wallace Court - Second Reading (Public Hearing)
- IX. New Business
 - A. Ordinance No. 1155 - Change of zoning from A-1 Agriculture to RCE Rural Country Estates, southeast corner of Country Club Road and Main Road; Steven and Ramona Lash, applicants - First Reading (Public Hearing) (quasi-judicial) (postponed 1/20/05)
 - B. Request for variance from 160.07(A) and 160.07(B)(2)(b) for the unopened portion of Leslie Lane; Nirmal Panchal, applicant (Public Hearing)

1 Mayor Greene called for a break at 9:20 P.M. The meeting reconvened at 9:35
2 P.M.

3
4 B. Ordinance No. 1157 – Purchase of property at 911 Wallace Court –
5 Second Reading (Public Hearing)

6
7 The City Attorney read Ordinance No. 1157 by title only on second reading.

8
9 Mr. Litton said if this is approved tonight, we would probably be closing tomorrow.

10
11 Mayor Greene asked if anyone wanted to speak for or against Ordinance No.
12 1157. No one came forward and the public hearing was closed.

13
14 **Motion was made by Deputy Mayor McLean to approve Ordinance No. 1157**
15 **on second reading, seconded by Commissioner Brender and motion**
16 **carried by roll-call vote: Deputy Mayor McLean, Yes; Commissioner**
17 **Jernigan, Yes; Commissioner Brender, Yes; Commissioner Duryea, Yes;**
18 **Mayor Greene, Yes.**

19
20 The Commission returned to New Business, Item B, at this time.

21
22 IX. New Business

23
24 B. Request for a variance from 160.07(A) and 160.07(B)(2)(b) for the
25 unopened portion of Leslie Lane; Nirmal Panchal, applicant (Public
26 Hearing)

27
28 Mr. Schindler said this is a request for two variances from Chapter 160 for the
29 unopened portion of Leslie Lane. Right now Leslie Lane comes in from Country
30 Club and swings south. He pointed out the portion that was developed. He
31 pointed out the portion that was platted but unopened. In the replat of the
32 Meadow Brooke Subdivision in 1991, the portion that is unopened was shown. It
33 appears it is there primarily to provide access to the subject piece of property,
34 which is not part of the Meadow Brooke Subdivision to the south or Countryside
35 Subdivision to the north. This is a remnant of land that was created by the two
36 subdivisions and the construction of the CSX Railroad. This piece of property is
37 part of the parent tract for Eagle's Crossing Subdivision. The railroad has been
38 there for many years so this piece of property was probably created prior to the
39 turn of the 1900's.

40
41 Mr. Schindler said the area is influenced by and is part of Soldiers Creek. As
42 such, the requirements of Chapter 160 apply. It is already a platted right-of-way
43 but in an abundance of caution, staff has made the determination that the
44 applicant needed to apply for two variances. One from the 25-foot environmental
45 buffer and the second is for the 75-foot setback. The subject property is not
46 impacted by the wetlands or the 100-year floodplain; it is high and dry. The right-
47 of-way is the issue. There are six criteria that relate to the right-of-way.

48

1 Mr. Schindler said at the Planning & Zoning Board meeting, the applicant
2 addressed the issue of the plans for development of the property. The applicant
3 has stated that he proposes to build a home with a total square footage of over
4 6,000 square feet with over 4,000 square feet of air-conditioned area. Mr.
5 Schindler showed the façade of the proposed development.

6
7 Mr. Schindler said the area in blue is the unopened portion of the right-of-way
8 that is within the 100-year floodplain. The area in pink is the 25-foot
9 environmental buffer that is required. The area in yellow is the 75-foot setback.
10 The applicant has only one access to his property and that is on the unopened
11 portion of Leslie Lane. The applicant has agreed at his own expense he will
12 open this and will provide a compacted base and sub-base. He pointed out the
13 area shown as an environmental easement that has been dedicated to St. Johns.
14 There is no question that this area is wet. As a condition of opening this area,
15 the applicant must secure a site construction permit and provide fully engineered
16 plans so that the City can ensure that the natural drainage will continue. Soldiers
17 Creek is to the east. The applicant understands that this is not an easy task, that
18 it will require fully engineered plans signed and sealed by a registered Florida
19 engineer, that the City will review the plans and when we feel the engineering is
20 sufficient to ensure the protection of adjacent properties, then and only then will
21 we sign off on the plans.

22
23 Mr. Schindler said the applicant is requesting a variance of 25 feet from the
24 minimum 25-foot environmental buffer and a variance of 75 feet from the
25 minimum 75-foot setback. Staff has reviewed the variances in light of the six
26 criteria and finds that the applicant has met all the criteria to grant the two
27 requested variances for the unopened portion of Leslie Lane. There was a
28 separate but related variance for the subject property itself. The subject property
29 touches the Leslie Lane right-of-way but only the northern 25 feet of the right-of-
30 way. The requirement says for properties with R-1AAA zoning that they must
31 have 35 feet of frontage on a roadway. The applicant requested and was
32 granted a variance of 10 feet from the minimum of 35 feet and that happened at
33 the Board of Adjustment meeting of January 5, 2005. The vote was unanimous.
34 At the January 11, 2005, Planning and Zoning Board meeting, they voted
35 unanimously to recommend that the City Commission grant the 25-foot variance
36 from the environmental buffer and the 75-foot variance from the setbacks.

37
38 Commissioner Brender asked if there was any flow from north of Leslie Lane and
39 south. Mr. Schindler answered affirmatively. We have every reason to believe
40 that the surface flow is north and east.

41
42 Commissioner Brender said if the applicant improves Leslie Lane to a compacted
43 surface, he asked what would happen to that flow. Mr. Schindler said he would
44 have to put in culverts so that the flow is not disrupted and we maintain historic
45 flows in those areas. He stated the applicant understands this.

46
47 Commissioner Brender said we had history base. Mr. Schindler said we have
48 reason to believe with Soldiers Creek flowing southeast that flows would go north

1 and then east into the creek. There is no question that this area is part of the
2 confluence of Soldiers Creek.

3
4 Commissioner Brender said as a wetland area would a culvert or pipe
5 underneath the road be sufficient to move a serious amount of water. Mr.
6 Schindler said that is why the applicant is going to have to provide engineered
7 plans and that's what we will be looking at. We have a responsibility to the
8 people of Meadow Brooke and Countryside and more so with Meadow Brooke
9 because the flow would be north. We cannot and will not restrict the flow of
10 waters.

11
12 Deputy Mayor McLean said in reading the Board of Adjustment minutes there
13 was discussion about cold mix. He asked if that is something that has been
14 agreed to. Mr. Schindler said he had not had a serious discussion with Mr.
15 Paster but had informed Mr. Paster of what was happening. This is not a
16 subdivision so our subdivision requirements for paving cannot be applied. He
17 said Mr. Paster indicated if the applicant provides a compacted base and sub-
18 base, in the future the City may wish to consider this road for cold mix
19 application. Mr. Paster hasn't made a commitment but simply said in the future
20 we would look at it.

21
22 Mayor Greene asked if anyone wanted to speak for or against this matter.

23
24 Ron McGrath came forward and said he lived in Meadow Brooke on Lot 48 (337
25 Leslie Lane). Mr. McGrath said Lots 48, 49, and 50 are all part of the St. Johns
26 River Water Management conservation area. He said he didn't want to deny
27 access to someone's property and was not here from the standpoint of trying not
28 to get this approved, but to possibly express some concerns and seeing if we can
29 get some resolution of these items and a more commitment fashion than they are
30 stated right now.

31
32 Mr. McGrath said the first item is the drainage issue. He said he thought his lot
33 was a little over an acre and 75% is part of the St. Johns River Water
34 Management conservation area. He said he thought he had to get the same
35 variances this gentleman is applying for but explained he bought his house as a
36 model and didn't have to do the process of requesting a variance and all of that.
37 The area back there is extremely dense. There is no much undergrowth that he
38 had only been to the back of his lot one time in the 11 years he has lived here.
39 When you step into the area you automatically sink down where all of your foot
40 and part of your ankle is no longer visible. When we get heavy rains a lot of
41 water accumulates back there. Currently the elevations are such that we are all
42 downstream or our elevations are lower than the elevations of the applicant's
43 property. The existing drainage is underneath the proposed opening of Leslie
44 Lane. There is a culvert that brings it across the current Leslie Lane over back
45 down the side of the first lot in the subdivision. It is all underground and it opens
46 up into an above ground flow, flows across about another quarter of a mile and
47 into Soldiers Creek. Soldiers Creek actually comes under Leslie Lane a quarter
48 of a mile or so down and then this flow joins it there.

1
2 Mr. McGrath said the problem is the existing drainage is going to be under the
3 proposed unopened Leslie Lane and am basing that on the flags that have been
4 placed there from the preliminary engineering that has been done. It looks like
5 the road is going to cross over the top of that. It looks like you've got some
6 firmer commitment from the applicant that he will see to it that the drainage is
7 sufficient to keep the water from setting. It is also true of Countryside, which is
8 going to be on the other side of the road. The road is going to bisect the
9 conservation area with part being on the Meadow Brooke Subdivision side and
10 another part on the Countryside Subdivision. He said he was looking for some
11 type of commitment, maybe as a condition for granting the variance, that the
12 drainage will be provided for and will be verified before the road is put in.

13
14 Mr. McGrath said his second concern has to do with how the road is going to be
15 surfaced. All of the current roads in the Meadow Brooke Subdivision are asphalt
16 roads, are graded, they have concrete gutters, there are storm drains, and it all
17 drains nice and neat and looks like what you would want in a subdivision. At first
18 they were talking about the cold mix and when we came for the second variance
19 hearing, we heard maybe it was not going to be cold mix and would be just a dirt
20 road. One of the six criteria looked at for granting approval on the variances is
21 that no special privilege be given to the applicant in terms of granting the
22 variances. It appears you are granting some type of special privilege to the
23 applicant by saying all he has to do is put in the compacted base and sub-base
24 and a dirt road. You come into the subdivision a mile or mile and a quarter on a
25 paved asphalt road with concrete gutters and proper drainage and you run
26 directly into this dirt road. There will be problems with the dirt coming off of the
27 road and onto the paved road. From a property value standpoint it appears we
28 should be able to have the road put in at the right time for the existing roads in
29 the subdivision. He requested some type of commitment. He wasn't sure if it
30 was Lake Mary—and understood budgets were tight—or whether it is the
31 applicant to pave the road with asphalt, put in the concrete gutters, and provide
32 for proper drainage. That would minimize more the potential problem of water
33 accumulating on the back of these three lots and into the Countryside
34 Subdivision. My request would be some type of commitment for some type of an
35 item added to the approval of the variance that the applicant would put like kind
36 road servicing on the unopened portion of Leslie Lane.

37 **SIDE 3A**

38 No one else came forward and citizen participation was closed.

39
40 Mayor Greene said he understood this house is supposed to be worth a million
41 dollars. Mr. Schindler said that is what we have been told. Mayor Greene said
42 the applicant proposes to have a dirt road to a million dollar house. Mr. Schindler
43 answered affirmatively. Mayor Greene asked why. Mr. Schindler said it was his
44 understanding that because this is not a subdivision that the City's regulations do
45 not require that the road be paved. If it is paved, I would believe we would be
46 required to have stormwater retention and am not sure how we would do that in
47 that area.

1 Mr. Omana said since this is not a subdivision it doesn't trigger the other
2 improvements. If you go in with a full curb and gutter and full expanded lanage,
3 think about what you potentially would be doing with that wetlands area and the
4 whole Soldiers Creek system. Part of our rationale was what could be the
5 minimum improvement that would provide reasonable access to this property and
6 at the same time address proper safety for fire trucks and police if there is an
7 emergency back there, and weighing at the same time the issues with Soldiers
8 Creek.

9
10 Mayor Greene said so environmentally it would be better to have a dirt road. Mr.
11 Omana answered affirmatively to create the least impact. Once they come in
12 with the site permit and all the engineering information, we would be in a position
13 to coordinate with Mr. Paster and St. Johns. If there is something there that says
14 maybe we can go a little further then I would tell my folks to bump up the
15 standard.

16
17 Mayor Greene said we could ultimately improve that road if it's not
18 environmentally detrimental. Mr. Omana said that was the rationale.

19
20 Commissioner Duryea expressed concern that on one hand you can't deny
21 access and if there is access available he has to be able to use that. Our code
22 also says if somebody "opens up a street" that they should be required to pave it.
23 That is a public right-of-way. Mr. Omana said it was a public right-of-way.

24
25 Commissioner Duryea said he didn't know what was going to happen when they
26 start to clear the lot and start building with the trucks going down this dirt road in
27 an area that is relatively marshy and dragging the dirt up and down the paved
28 road and clogging the drains. He asked if it would be possible to have some sort
29 of apron as a transitional thing.

30
31 Mr. Omana asked Commissioner Duryea if he was talking about an apron as part
32 of the construction activities or an apron full time. Commissioner Duryea said
33 both. Mr. Omana said he would address the construction activities. It is the
34 standard procedure that anytime there is dirt and everything getting turned
35 upside down, we provide a 25-foot to 50-foot stretch of gravel. That allows the
36 dump trucks to do revolutions on the gravel, deposit the dirt there instead of on
37 the right-of-way. We would impose something like that at the construction phase.
38 At the Commission's direction we could also take a look at it on a more
39 permanent basis, taking into account the environmental assessment that would
40 have to be done.

41
42 Commissioner Duryea said addressing Mr. McGrath's concern about the dirt
43 road, once this develops the road is going to still be curving but now there is
44 going to be a straightaway. This is going to be a road but it isn't going to be a
45 road. There is going to be a transitional question. As you drive in there you are
46 going to see Leslie Lane going straight right into the applicant's driveway. He
47 asked if the right-of-way was going to be a full 50 feet wide dirt road.

1 Mr. Omana answered negatively. He explained that right now it is platted as a
2 50-foot right-of-way in 25-foot half sections. The intention would be not to have it
3 as a full 50-foot right-of-way. For emergency access it is 18 feet so we would
4 meet the minimum standards of fire and police safety.

5
6 Commissioner Brender said there would be a pretty obvious demarcation that
7 this is a driveway and is not the continuation of Leslie Lane. Mr. Omana
8 answered affirmatively based on the dirt road scenario.

9
10 Commissioner Brender said he was sure engineers know how to determine flow
11 rates but also know that sometimes engineers miscalculate, particularly in a case
12 where you're dealing with a wetland flow rather than standing water from point A
13 to point B. He asked if they could have the applicant agree to some sort of
14 statement that says in the future after his driveway is in, if we run into flooding
15 problems on the southern lots that there may be some additional remediation on
16 his part that is going to be required.

17
18 Mr. Omana said the applicant is in the audience and they could ask him that
19 question. From a processing standpoint, we will review the site permit. In
20 reviewing that site permit, we will coordinate with Mr. Paster and his staff. We
21 will also coordinate with St. Johns given the easement delineations on the
22 adjoining properties. My intention is to get everybody around the table and make
23 sure we're all on the same technical standard before we sign off on anything.

24
25 Deputy Mayor McLean said it was said earlier that because this lot is not
26 technically in a subdivision, we cannot require any type of paving but could
27 request. Mr. Omana said we can request but not require.

28
29 Commissioner Brender said he would like to get some statement from the
30 applicant that if there is a problem coming from the engineering of this, if we
31 develop flow problems or if Mr. McGrath or some of those other lots turn wetter
32 than they are, that we may require some additional remediation. He said he
33 didn't want to miscalculate this and end up with the City having to deal with Mr.
34 McGrath because the back of his yard is flooded after the road goes in.

35
36 Mayor Greene said Mr. Schindler has made it clear that the applicant is going to
37 have to make sure that it's done correctly. He asked if there was anything else
38 we might need in order to deal with the situation.

39
40 Ms. Reischmann said just to make it entirely clear, we can make it a condition.
41 Although he is going to have to do it anyway you can add it as a condition so it's
42 totally clear to everybody going in what we're talking about.

43
44 Commissioner Brender said as long as that can be specifically mentioned that
45 even post-engineering if we have problems then it can be addressed.

46
47 Commissioner Jernigan said it looks like a long driveway and there is no other
48 way to go back to this house. She said Mr. McGrath said his lot was squishy and

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 Motion was made by Commissioner Brender to approve the requested
14 variances with the condition that the applicant agrees, even in a post-
15 engineering phase, if there are flooding problems that develop on the
16 southern lots that he will remedy that problem. Seconded by Deputy Mayor
17 McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;
18 Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor
19 McLean, Yes; Mayor Greene, Yes.

Condition
Post-Engineering
- Flooding
Problems

20
21 C. Ordinance No. 1158 - Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant - First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greene asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

CITY COMMISSION MEETING
February 3, 2005 - 39

P.M. Item 9C

Lake Mary Commission Meeting Feb 2, 2023

Joseph Uzel
236 Leslie Lane
Lake Mary, FL 32746

Questions based on the Street and Driveway Plan on p. 70:

1. Where will the drainage pipes under the driveway be located? The driveway plan does not show any. (Reference: P&Z Jan 10, 2023-11. Engr. Kenny stated that there will be drainage pipes under the driveway. Page 82 the Topographic survey shows that water will drain down from 40' elevation on the west end of the driveway to 32' on the east end at the catch basin). It currently looks like water flows across the Right of Way North to South to the catch basin.
2. Delivery vehicles: Will there be a mailbox on the curve? Will other deliveries (UPS, FedEx, Amazon) park on the Leslie Lane curve? (They are not allowed to drive on a driveway less than half mile long. Should the end of the driveway at Leslie Lane curve accommodate delivery vehicle off road parking?). Will the Mangos be allowed to place a delivery box on Leslie Lane?
3. The Note 2 on the drawing states that muck will be removed and replaced with stable fill – has it been determined how deep the muck is along the driveway path? During construction of the Leslie Lane curve, the muck was quite deep 6-8 feet. Is Mr. Mangos prepared to remove that much muck along the approx. 400' of driveway?
4. Utilities: Will the electrical utility be above or below ground? The water utility line is shown, but not electric.

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 **Motion was made by Commissioner Brender to approve the requested**
14 **variances with the condition that the applicant agrees, even in a post-**
15 **engineering phase, if there are flooding problems that develop on the**
16 **southern lots that he will remedy that problem. Seconded by Deputy Mayor**
17 **McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;**
18 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor**
19 **McLean, Yes; Mayor Greene, Yes.**
20

21 C. Ordinance No. 1158 – Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant – First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greened asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 **Motion was made by Commissioner Brender to approve the requested**
14 **variances with the condition that the applicant agrees, even in a post-**
15 **engineering phase, if there are flooding problems that develop on the**
16 **southern lots that he will remedy that problem. Seconded by Deputy Mayor**
17 **McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;**
18 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor**
19 **McLean, Yes; Mayor Greene, Yes.**
20

21 C. Ordinance No. 1158 – Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant – First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greene asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 **Motion was made by Commissioner Brender to approve the requested**
14 **variances with the condition that the applicant agrees, even in a post-**
15 **engineering phase, if there are flooding problems that develop on the**
16 **southern lots that he will remedy that problem. Seconded by Deputy Mayor**
17 **McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;**
18 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor**
19 **McLean, Yes; Mayor Greene, Yes.**
20

21 C. Ordinance No. 1158 – Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant – First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greene asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 **Motion was made by Commissioner Brender to approve the requested**
14 **variances with the condition that the applicant agrees, even in a post-**
15 **engineering phase, if there are flooding problems that develop on the**
16 **southern lots that he will remedy that problem. Seconded by Deputy Mayor**
17 **McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;**
18 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor**
19 **McLean, Yes; Mayor Greene, Yes.**
20

21 C. Ordinance No. 1158 – Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant – First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greened asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 **Motion was made by Commissioner Brender to approve the requested**
14 **variances with the condition that the applicant agrees, even in a post-**
15 **engineering phase, if there are flooding problems that develop on the**
16 **southern lots that he will remedy that problem. Seconded by Deputy Mayor**
17 **McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;**
18 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor**
19 **McLean, Yes; Mayor Greene, Yes.**
20

21 C. Ordinance No. 1158 – Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant – First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greened asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 **Motion was made by Commissioner Brender to approve the requested**
14 **variances with the condition that the applicant agrees, even in a post-**
15 **engineering phase, if there are flooding problems that develop on the**
16 **southern lots that he will remedy that problem. Seconded by Deputy Mayor**
17 **McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;**
18 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor**
19 **McLean, Yes; Mayor Greene, Yes.**
20

21 C. Ordinance No. 1158 – Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant – First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greened asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 **Motion was made by Commissioner Brender to approve the requested**
14 **variances with the condition that the applicant agrees, even in a post-**
15 **engineering phase, if there are flooding problems that develop on the**
16 **southern lots that he will remedy that problem. Seconded by Deputy Mayor**
17 **McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;**
18 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor**
19 **McLean, Yes; Mayor Greene, Yes.**
20

21 C. Ordinance No. 1158 – Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant – First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greened asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

1 assumed the rest of the lots along that side are the same way. If we open this
2 unopened portion of Leslie Lane, which now puts the unopened Leslie Lane open
3 to four of these lots and the one on the north side. She asked if there was
4 anything that prevents the people who own those lots from making an entrance
5 into their lots from the now opened Leslie Lane.
6

7 Mr. Schindler said it appears there is only one lot on the north side that could
8 possibly have or would need access from this unopened portion. The other lot
9 has access from the open portion of Leslie Lane. There is an existing
10 conservation easement on the plat for the three and maybe a portion of the
11 fourth. The applicant's property is high and dry.
12

13 **Motion was made by Commissioner Brender to approve the requested**
14 **variances with the condition that the applicant agrees, even in a post-**
15 **engineering phase, if there are flooding problems that develop on the**
16 **southern lots that he will remedy that problem. Seconded by Deputy Mayor**
17 **McLean and motion carried by roll-call vote: Commissioner Jernigan, Yes;**
18 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Deputy Mayor**
19 **McLean, Yes; Mayor Greene, Yes.**
20

21 C. Ordinance No. 1158 - Change of zoning from A-1 to RCE, 318
22 Raccoon Street; Shaw Construction and Management Services,
23 Inc., applicant - First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1158 by title only on first reading.
26

27 Mr. Schindler said this is a request to rezone property on the west side of
28 Raccoon south of Van Buren and north of The Preserve at Soldiers Creek. The
29 current zoning is A-1 and the request is to RCE. The criteria for rezoning is
30 addressed on the second page of the staff report. Staff finds that the request to
31 rezone the property from A-1 to RCE is supported by the findings A through D.
32

33 Mayor Greene said it was his understanding the property is only 1.97 acres. Mr.
34 Schindler answered affirmatively. Mayor Greene said at this point there could be
35 only one house there. Mr. Schindler said that is correct in and of itself but Mr.
36 Shaw owns the adjacent property, which is in excess of 2 acres, and he plans to
37 do a lot recombination and taking the necessary property from the property to the
38 west and adding it here so there will four lots on the two streets: two on Wood
39 and two on Raccoon.
40

41 Mayor Greened asked what was going on south of the subject property. Mr.
42 Schindler said nothing to his knowledge. Mayor Greene said it is being cleared
43 and bermed. Mr. Schindler said staff would be out in the morning. This is the
44 first we have heard of this.
45

46 Mayor Greene asked if anyone wanted to speak for or against this matter.
47

48 Terry Shaw, 386 Pine Tree Road, applicant, came forward.

Dees
P.H. Item 9C



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nirmal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\communit\Diana\My Documents\City Commission\050120.Shaw Office Building SP.After CC Ltr..DOC



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nirmal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\communit\Diana\My Documents\City Commission\050120.Shaw Office Building SP.After CC Ltr..DOC



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nirmal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\communit\Diana\My Documents\City Commission\050120.Shaw Office Building SP.After CC Ltr..DOC



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nirmal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\communit\Diana\My Documents\City Commission\050120.Shaw Office Building SP.After CC Ltr..DOC



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nimal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\community\Dianna\My Documents\City Commission\050120.Shaw Office Building SP.After CC Ltr..DOC



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nirmal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\communit\Diana\My Documents\City Commission\050120.Shaw Office Building SP.After CC Ltr..DOC



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nirmal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\communit\Diana\My Documents\City Commission\050120. Shaw Office Building SP. After CC Ltr..DOC



City of Lake Mary

Incorporated in 1973

February 8, 2005

Mr. Nirmal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and § 160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary, FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City Commission on Thursday, February 3, 2005, subject to the following condition:

1. Even after construction approval, if there are problems with drainage associated with the right of way, the Applicant will be responsible for correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\communit\Diana\My Documents\City Commission\050120.Shaw Office Building SP.After CC Ltr..DOC



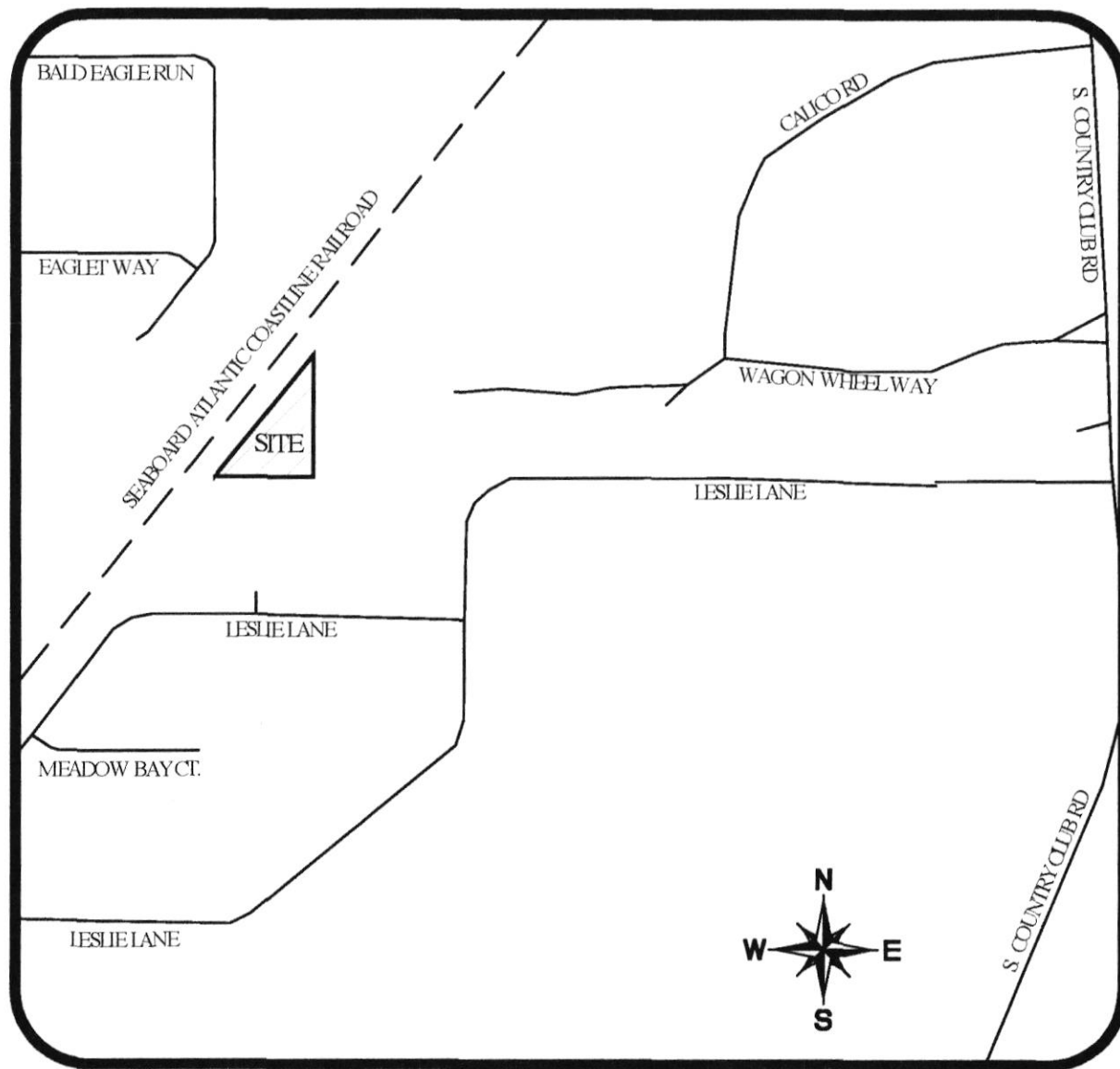
Item 9C P.M.



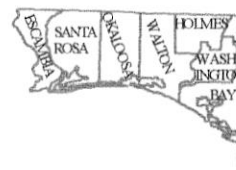








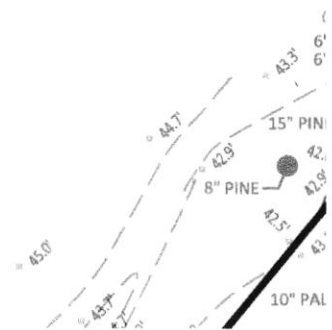
VICINITY MAP
NOT TO SCALE



G



Seminole
County

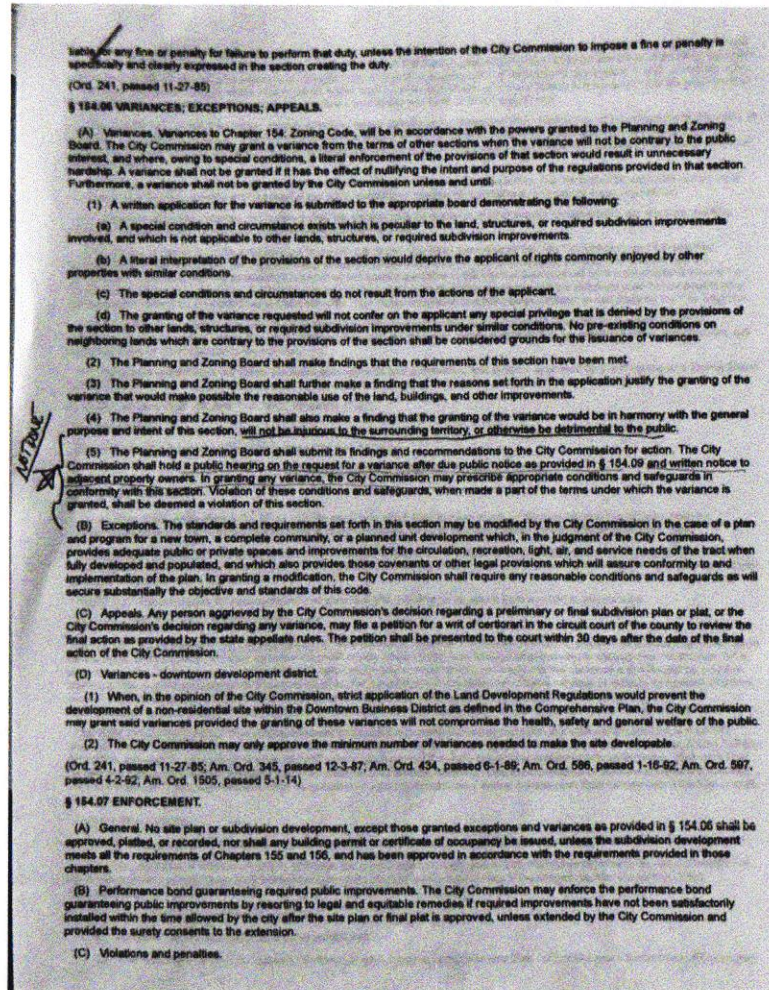


154.06 Variances; Exceptions; Appeals

NOTE:

#4 – The granting of this variance will not be injurious to the surrounding territory, or otherwise be detrimental to the public.

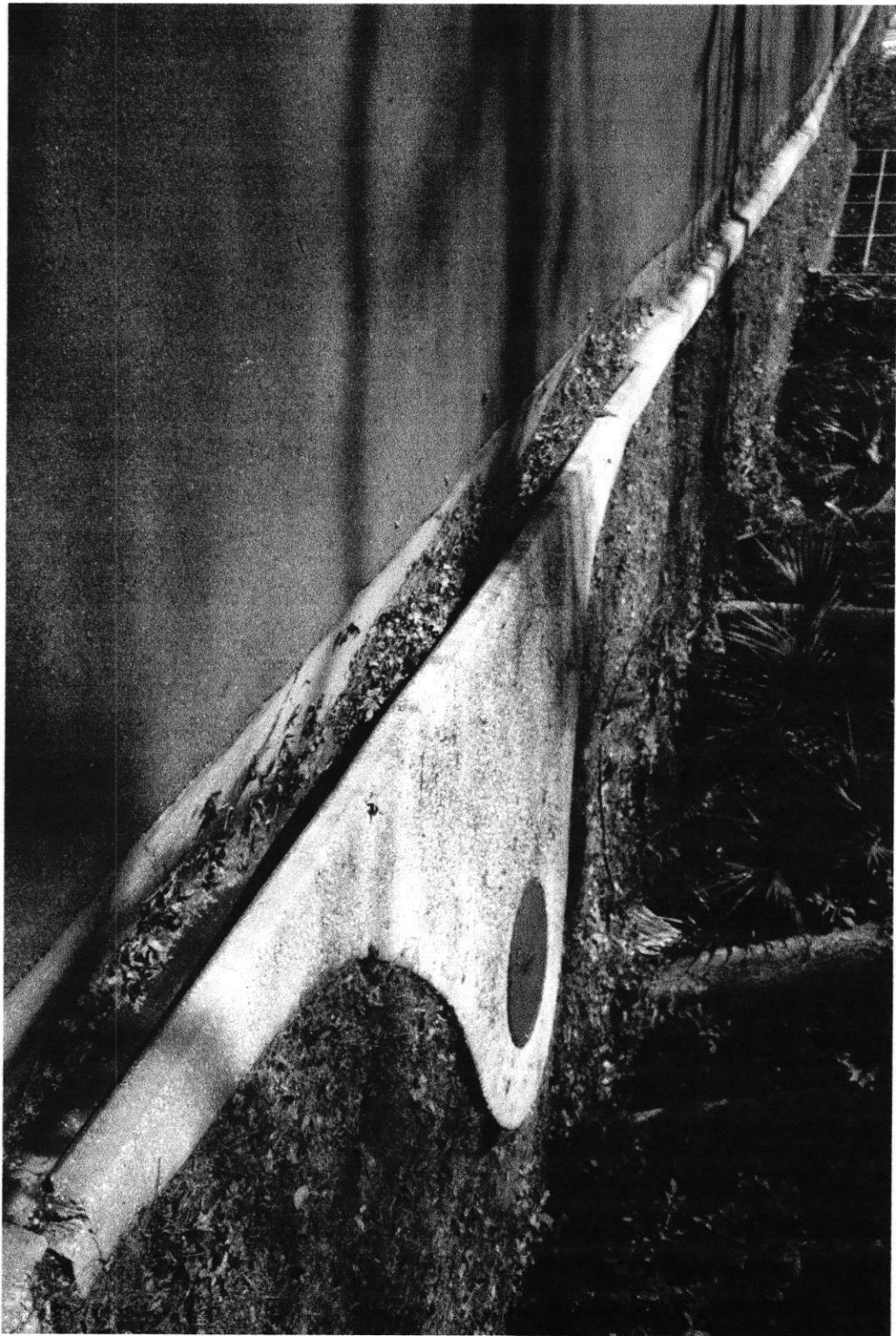
#5 – Hold a public hearing on the request for a variance after due public notice as provided in 154.09 and written notice to adjacent property owners. Violation of these conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of



Boyley Item ac P.M.

Lawn care –edge trim and
front entrance
landscaping

BURNHAM		Invoice			
Licensed Landscape Contractor		Date	Invoice #		
BURNHAM LLC P.O. Box 5263 Winter Park, FL 32793 (407) 221-4112		2/1/2023	3478		
Bill To Vendor: Burnham 21901 Meadow Brooks HOA 798800 with Sentry Management, Inc 2180 W State Road 434, Ste 5000 Longwood FL 32779		Due Date 2/1/2023			
Serviced	Hours	Description	Quantity	Rate	Amount
2/1/2023		Monthly landscape maintenance		1,590.00	1,590.00
				Total	\$1,590.00

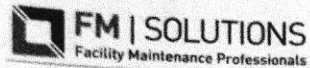




Area that Meadow Brooke HOA fees pay for pressure washing



Power washing of road
and side walk leslie
lane entrance only.
Every other year



PO Box 2804 Sanford, FL 32772-2804
(407) 708-5695 | info@fmsflorida.net

Invoice

Date	Invoice #
2/3/2022	19528
Due Date	Pay Terms
3/5/2022	Net 30

Bill To
Meadow Brooke HOA
c/o Sentry Management, Inc.
2180 West SR 434 Suite 5000
Longwood, FL 32779

Job Location
Meadow Brooke HOA
213 Leslie Lane
Lake Mary, FL 32746

Purchase Order
Sandy Gallagher, Signed

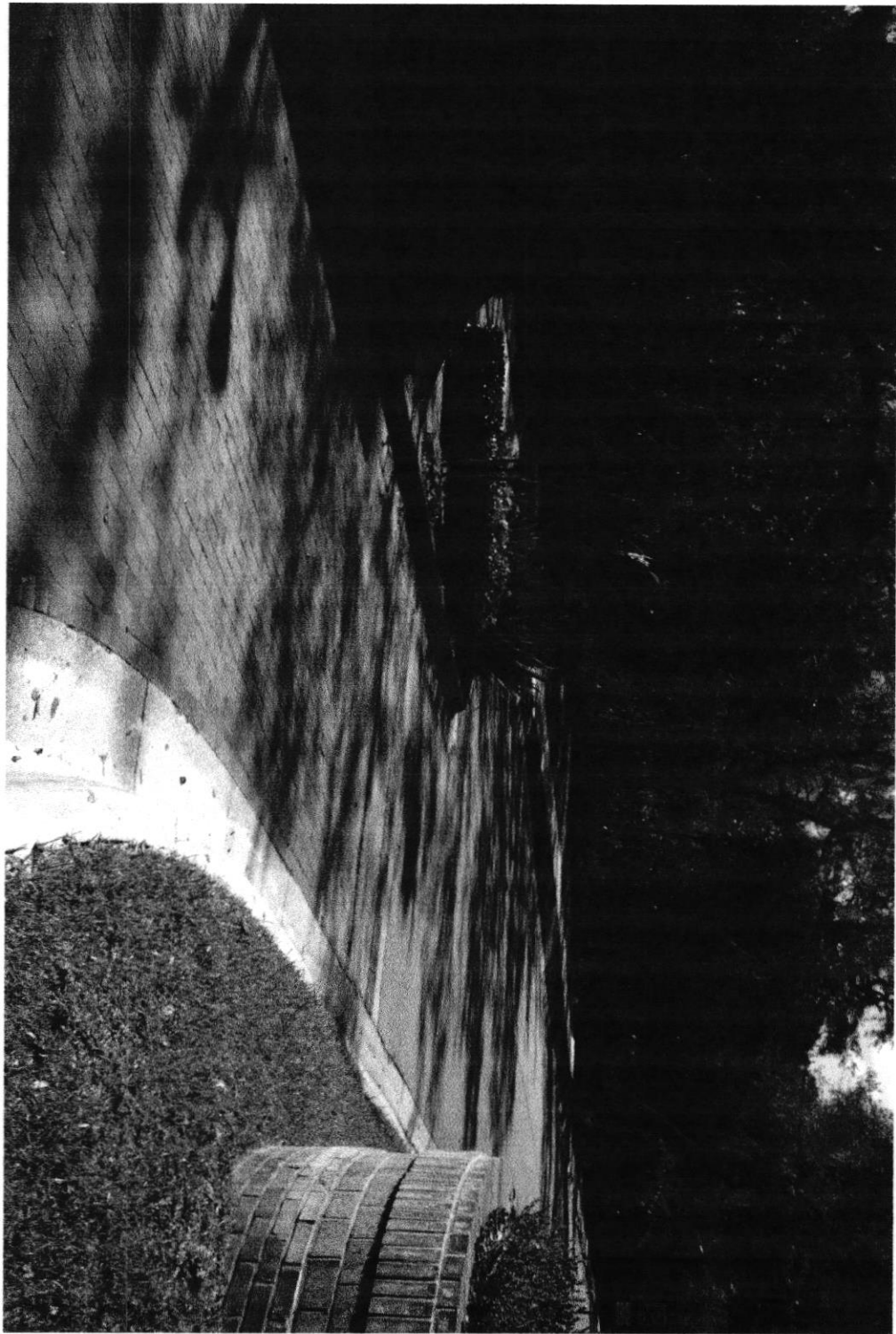
Description of Work	Quantity	Rate	Amount
This is for the pressure washing work as discussed with Jackie. This includes hot water pressure washing and chemically post treating the entry way sidewalks and curbing. This does not include any irrigation rust removal. Please see the attached map for the areas described above. - Hot water pressure washing and chemically post treating the entry way sidewalks. Shown on the map in RED. - Hot water pressure washing and chemically post treating the entry way curbing. Shown on the map in YELLOW. FM Solutions operates the most advanced commercial pressure washing equipment in the industry. We have the resources to handle any job of any size, using 200F degree hot water at 9 gallons per minute and our own independent water supply. A post treatment chemical consisting of chlorine and fungicide and/or degreaser shall be used as needed for optimal and long lasting results. We have multiple trucks and machines in our fleet, which may allow us to complete this work in a more timely fashion than most competitors in the industry. All precautions will be made to ensure a safe cleaning process throughout the length of this project.	1	750.00	750.00
	1	1,050.00	1,050.00
Total			\$1,800.00

Thank you for choosing FM Solutions! If you have not already done so, please remit payment at your earliest convenience. Balances not paid within the stated terms shall incur interest at the highest rate permitted by law. In the event of a dispute over payment, the prevailing party shall be entitled to recover all attorneys' fees and other costs and interest. If you have any questions about this invoice or if you need the billing and/or job information revised, please contact the sender as soon as possible.

Please remit payment(s) to:
Facility Maintenance Solutions, LLC
PO Box 2804
Sanford, FL 32772-2804

Payments/Credits	\$0.00
Balance Due	\$1,800.00







Peter Mangos
285 Belle Fontaine Cr. #317
Lake Mary, FL 32746
July 10, 2022

Christopher,
Senior Planner
City of Lake Mary Planning Department
911 Wallace Ct.
Lake Mary, FL 32746

Dear Christopher,

My wife and I are seeking the required approved variances for our newly purchased property in Lake Mary. We would like to build our primary residence on parcel #: 21-20-30-300-005A-0000. A physical property address does not currently exist.

Please feel free to contact us if you should have any questions or need further information.

Sincerely,
Peter & Bridget Mangos
407.739.7866

On July 10, 2022 and on all previous documentations and variance request from 2005 does not have a physical address- refers to the Parcel #. How does the Parcel have a physical address?



City of Lake Mary

Incorporated in 1973

*The variance
that was approved*

If approved would like
Agreement that Mr.
Mangos would be
responsible to any/all
damages to existing
properties in
neighborhoods adjacent to
his parcel

February 8, 2005

Mr. Nimal Panchal
108 Commerce Street
Longwood, FL 32750

RE: App. No. 2004-VA-15; Request for variances from § 160.07 (A) and §
160.07 (B) (2) (b) for the unopened portion of Leslie Lane, Lake Mary,
FL 32746.

Dear Mr. Panchal:

The above-referenced application was reviewed and approved by the City
Commission on Thursday, February 3, 2005, subject to the following
condition:

1. Even after construction approval, if there are problems with drainage
associated with the right of way, the Applicant will be responsible for
correcting any problems, at his expense.

Please contact me at 407-585-1454 if you have any questions.

Sincerely,

Juan (John) A. Omana, Jr.,
Community Development Director

C: VA File

F:\community\Documents\City Commission\050120 Shaw Office Building SP After CC Ltr.DOC

Does not show
proper
variances, and
again NO
"written"
notices

NOTICE OF ☒ **PUBLIC HEARING**
☐ **APPLICATION**

Date: 1/5/2023

To Whom It May Concern:

The Applicant, Peter Mangos

Has applied to the City of Lake Mary

The Planning and Zoning Board and
The Mayor and City Commission

to consider Variances

on this property, as described below:

Variances from Chapter 160.05(A) and
Appendix A to provide an access drive to 194
Leslie Lane

The Planning and Zoning Board will be meeting
on Tuesday, January 10, 2023, at 6:00 pm (or
as soon as possible thereafter)

The Mayor and City Commission will be
meeting on Thursday, February 2, 2023, at 7:00
pm (or as soon as possible thereafter)

PUBLIC HEARING TO BE HELD AT
IN LAKE MARY
Date: _____
Time: _____
Address: 100 N. County Club Rd.
Lake Mary, FL 32746

FOR FURTHER INFORMATION, CONTACT THE PLANNING
OFFICE AT (407) 585-1341
MONDAY - FRIDAY
Chris Carson, Deputy Planner

States:

Request for a variance from
Chapter 160.06(A),
160.05(B) and Appendix A
City Code of Ordinances.

Was not on staked Notice
dated 1/5/2023 and NO
WRITTEN NOTICES to
adjacent homeowners
(none to Meadow Brooke,
Couttryside or Wagon
Wheel)

How does this "Parcel"
21-20-30-300-005A-0000
have a physical address
already?



MEMORANDUM

DATE: February 2, 2023
TO: Mayor and City Commission
FROM: Chris Carson, AICP, Senior Planner
THRU: Krystal Clem, AICP, GISP, Community Development Director
Sabreena Colbert, City Planner
VIA: Kevin Smith, City Manager
SUBJECT: 2022-VA-01, A request for a variance from Chapter 160.05(A), 160.05(B) and Appendix A City Code of Ordinances, for the unopened portion of Leslie Ln. Applicant: Peter Mangos (Quasi-Judicial - Public Hearing - Chris Carson, Project Manager)

REFERENCE: Lake Mary Comprehensive Plan, Code of Ordinances, Chapter 160.05(A), Chapter 160.05(B) and Chapter 155, Appendix A.

REQUEST: The applicant owns property at 194 Leslie Ln. (Parcel ID 21-20-30-300-0050-0000). In order to access the property to build one single family home the applicant is requesting two variances for the unopened portion of Leslie Lane. These variances include a variance to Chapter 160.05(A) & 160.05(B) Environmental Buffer and Wetland Protection Zone, and Chapter 155, Appendix A Standard Street design criteria.

DISCUSSION:

Location: The subject property is the unopened 50' portion of the Leslie Ln. right of way which connects the applicant's lot at 194 Leslie Ln. with the developed portion of Leslie Ln.



Staked area "standing water"



Making it more visible for "safety" reasons will take more of the root systems that are in place in the buffer zone



154.06 Variances; Exceptions; Appeals

#4 – The granting of this variance will not be injurious to the surrounding territory, or otherwise be detrimental to the public.

5 – Hold a public hearing on the request for a variance after due public notice as provided in 154.09 and written notice to adjacent property owners. Violation of these conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this section

(2) The Planning and Zoning Board shall make findings that the requirements of this section have been met.

(3) The Planning and Zoning Board shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings, and other improvements.

(4) The Planning and Zoning Board shall also make a finding that the granting of the variance would be in harmony with the general purpose and intent of this section, will not be injurious to the surrounding territory, or otherwise be detrimental to the public.

(5) The Planning and Zoning Board shall submit its findings and recommendations to the City Commission for action. The City Commission shall hold a public hearing on the request for a variance after due public notice as provided in § 154.09 and written notice to adjacent property owners. In granting any variance, the City Commission may prescribe appropriate conditions and safeguards in conformity with this section. Violation of these conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this section.

(6) Exceptions. The standards and requirements set forth in this section may be modified by the City Commission in the case of a plan