



LAKE MARY PLANNING AND ZONING BOARD

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

**Regular Meeting
AGENDA**

TUESDAY, DECEMBER 12, 2023 6:00 PM

- 1. Call to Order**
- 2. Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call - Determination of Quorum**
- 5. Approval of Planning and Zoning Board Minutes**
 - A. Draft Planning & Zoning Board Minutes - November 14, 2023**
- 6. 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.**
- 7. P&Z Public Participation Process: City staff and the applicant, or the agent for the applicant, will make their presentations first, followed by questions from the Planning and Zoning Board members. After the presentations from staff and the applicant, the Chairman will open the public hearing portion of the meeting to allow interested parties to speak for or against the item being considered. The public is instructed to keep their presentation factual, not be redundant, and to direct all comments to the Board, not to the applicant or to staff. From time to time, it may become necessary for the Chairman to limit the time that speakers may have. If a time limit is to be imposed, it will be announced at the time that the Public Hearing is opened. If a speaker wishes to be heard for the record but does not have any new information regarding the item being considered, the speaker shall give his/her name and address for the record and state that they agree with the presentation made by a previous speaker, giving the specific**

name of the person. When the Chairman believes that no additional information is forthcoming, the Chairman shall close the public hearing portion of the meeting.

8. Old Business

9. New Business

- A. 2023-RZ-08, Ordinance No. 1698, A recommendation to the Mayor and City Commission regarding a request for rezoning of property located at 2801 W. Lake Mary Blvd. from A-1, Agriculture, to PO, Professional Office. Applicant: Mr. Chris Butera, 2801 Devco, LLC. (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)**

10. Community Development Director's Report

11. Other Business

12. Reports of Other Members

13. Adjournment

THE ORDER OF ITEMS ON THIS AGENDA IS SUBJECT TO CHANGE

NOTE: If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he or she may need a verbatim record of the proceedings including the testimony and evidence, which record is not provided by the City of Lake Mary.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE IN ORDER 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.



LAKE MARY PLANNING AND ZONING BOARD

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

**Regular Meeting
DRAFT MINUTES**

TUESDAY, November 14, 2023, 6:00 PM

NO VIDEO RECORDING WAS MADE FOR THIS MEETING

1. Call to Order

The meeting was called to order by Vice Chair Taylor at 6:05 PM.

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call – Determination of Quorum

Colleen Taylor, Vice Chair
Benjamin Vogt, Member
Thomas Peet, Member
Nick Carlin, Alternate Member
Sabreena Colbert, Community Development Director
Christopher Carson, Senior Planner
Michael Lopez, Planner
Judy Edwards, Permit Technician

5. Approval of Planning and Zoning Board Minutes

A. Draft Planning & Zoning Board Minutes

Member Carlin made a motion to approve the Draft Planning and Zoning Board Meeting Minutes of October 10, 2023. Member Vogt seconded the motion and the motion carried unanimously 4 to 0.

- 6. 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 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.

- 7. P&Z Public Participation Process:** City staff and the applicant, or the agent for the applicant, will make their presentations first, followed by questions from the Planning and Zoning Board members. After the presentations from staff and the applicant, the Chairman will open the public hearing portion of the meeting to allow interested parties to speak for or against the item being considered. The public is instructed to keep their presentation factual, not be redundant, and to direct all comments to the Board, not to the applicant or to staff. From time to time, it may become necessary for the Chairman to limit the time that speakers may have. If a time limit is to be imposed, it will be announced at the time that the Public Hearing is opened. If a speaker wishes to be heard for the record but does not have any new information regarding the item being considered, the speaker shall give his/her name and address for the record and state that they agree with the presentation made by a previous speaker, giving the specific name of the person. When the Chairman believes that no additional information is forthcoming, the Chairman shall close the public hearing portion of the meeting.

8. Old Business

There was no old business.

9. New Business

- A. 2023-FP-03, A recommendation to the Mayor and City Commission regarding a request for Final Plat for a 23-lot single family residential subdivision on +/- 8.30 acres of property, located on the north side of Washington Ave., east of Longwood-Lake Mary Rd. and west of Rolex Point. Applicant: Ms. Melissa Martinez, Poulos & Bennett (Quasi-Judicial – Public Hearing) (Sabreena Colbert, Project Manager)**

Sabreena Colbert, Project Manager, came forward to present Item A.

The +/- 8.30-acre property is located on the north side of Washington Ave., east of Longwood Lake Mary Rd. It is the south piece of Bloom-Masters Wholesale Nursery. The applicant is requesting approval for the final plat to sub-divide the property into 23 single family residential lots.

On November 3, 2022, the Mayor and City Commission adopted Ordinance 1670, rezoning the property to PUD to allow for a 23-lot subdivision. In conjunction with that rezoning, the preliminary subdivision plan was approved in November 2022. The final subdivision plan was approved by this board on April 25, 2023. A site construction permit has been issued and the 8.3 acre property is currently under construction for site infrastructure and improvements.

The final plat has been reviewed by the city's surveying consultant as well as the City Attorney. They have both determined that the plat and associated documents are sufficient for approval. Staff finds that the final plat complies with the Code of Ordinances, Comprehensive Plan, Washington Ave. PUD, preliminary and final subdivision plans, and Chapter 177 of the Florida Statutes and recommends approval with the two conditions noted in the staff report.

This item will be heard by the Mayor and City Commission on December 7, 2023. Once approved, the plat can be recorded through the Seminole County Recording office.

The applicant, Ms. Melissa Martinez, Poulos & Bennett, 2602 E. Livingston St, Orlando, came forward. As Ms. Colbert mentioned, they went through the full review process. They had a condition to provide a survey, which was provided this evening. She thinks they have satisfied the two conditions. They have answered all comments and provided everything needed and look forward to City Commission approval so they can go to recording.

Item A was then opened for a public hearing.

Mr. Michael Dobish of 624 Washington Oaks Ct, Lake Mary, came forward. Approximately 45 days ago, the infrastructure began in front of his neighborhood, which is directly west of the site. To the best of his knowledge, the infrastructure is complete but not 100% sure. As of this evening, what they are left with is a lot of upheaval in front of his neighborhood, which is Twelve Oaks. There is a lot of dirt, mud, dust, etc. With the rain in the past 48 hours, it has become even messier. His question to the builder/developer is what is the timetable and plan of action to restore Twelve Oaks and the right-of-way that has the upheaval and when can they expect it to be done?

Mr. Will Hawthorne, Toll Brothers, 2966 Commerce Park Dr., Orlando, came forward. They should have it wrapped up by the end of the year. There was quite a bit of material on site that wasn't suitable and they had to get out. They are targeting for the beginning of December but with the holidays and the rain, it will push that time frame back a little bit.

Mr. Dobish stated that Mr. Hawthorne stated they were going to wrap things up by the end of the calendar year, which is December 31st. Can he be more definitive and provide more clarity as to what "Wrapped Up" is? Does that mean landscaping and turf is installed? There is a lot of landscaping that is destroyed on the east side of Twelve Oaks and the north side of Washington Ave. All that sidewalk is destroyed. Some sidewalk on the other side has been replaced but other parts have not. When this is done, he would like the appearance to be the same as it was before work started. What is the hard date?

Mr. Hawthorne stated he does not have a hard date exactly. He did not bring the construction schedule with him. They will be paving in December, weather dependent. He thinks they are done with everything they need to do in the right-of-way. By Christmas they should have all the sidewalks repaired and everything tied up on Washington Ave., including in front of Twelve Oaks. He doesn't have that date in front of him being that this is a final plat hearing.

Vice Chair Taylor stated she knows he can't give a firm date but will this include replacing any sod or greenery? Mr. Hawthorne stated yes. It will include new sod, sidewalk. They have met with the City and they are going to mill a portion of Washington where it has been disturbed. It will look better than it did before.

Mr. Steve Weisstein of 616 Washington Oaks Ct., came forward. He is the President of the homeowner's association for Twelve Oaks and he is speaking for a number of his neighbors. There are only 12 of them on the street. Mr. Dobish, who just spoke and is the past president has concerns but they all have concerns. Since the beginning of the project, they have seen very little work with or assistance from the builder or land developer when they had issues with what they were doing on the property, with pumps running all weekend long and late into the night, tearing up the street with no notice as to when they were coming out. They would wake up in the morning and find flaggers out there telling them how to get in and out of their neighborhood. One afternoon, they had to post someone at their keypad to key them in because they had torn up so much of the street. He understands this is progress and they are okay with neighbors coming in. They want to have some assurances from Toll Brothers that they are going to be whole when this is done. He has seen no plans nor were there any discussions about the landscaping replacement on his side of the sidewalk which was heavily damaged. All of the irrigation was completely destroyed by the development. He doesn't know what they are going to do on the eastern side of the road, but he is assuming it is going to be the same thing because they still have to connect all the storm drains and that side hasn't been worked on at all. He and his neighbors are wanting assurances that they will come out of this whole and it is going to look really nice like it did before they came out.

Vice Chair Taylor stated that she thinks this is what Mr. Hawthorne stated was their intention. Maybe there is a way for someone from Toll Brothers could get with the HOA to discuss concerns. Some of this would be better done offline since it doesn't particularly pertain to the plat. If this Board could help connect them to get a good result, this is what they would like to do.

Mr. Hawthorne stated he would be happy to meet with anyone in the neighborhood. They will have a contractor come in to replace the sod and irrigation they hit and make sure it is repaired to what it was before or even better.

Vice Chair Taylor asked if they could exchange information.

Nobody else came forward and the public hearing was closed for Board discussion and a motion.

Member Peet made a motion to recommend approval of 2023-FP-03, A recommendation to the Mayor and City Commission regarding a request for Final Plat for a 23-lot single family residential subdivision on +/- 8.30 acres of property, located on the north side of Washington Ave., east of Longwood-Lake Mary Rd. and west of Rolex Point with the two Conditions of Approval. Member Vogt seconded the motion, and the motion carried 4 to 0.

The Two Conditions of Approval are as follows:

1. Prior to the recording of the plat, the applicant shall reimburse the City for the costs of the surveyor consultant review and legal review. The costs of recording shall also be passed on to the applicant.
2. Prior to City Commission, the boundary survey should be revised to reflect the updated Title Report dated 10/03/2023.

10. Community Development Director's Report

Sabreena Colbert, Community Development Director stated that the City Commission has approved the site plan for the Fourth St. Studios project on November 2nd. They have also approved an update to the neighborhood beautification grant. This will expand opportunities to be more inclusive and will include not only HOA's but also organized ad hoc neighbor groups and downtown businesses.

Holiday in the Park will be on Friday, December 1, 2023.

There will be no meeting on November 28th. She will reach out regarding the December meeting dates.

Ms. Colbert wanted to thank everyone again and wish everyone a happy Thanksgiving.

11. Other Business

There was no other business.

12. Reports of Other Members

There were no other reports.

13. Adjournment

There being no further business, the meeting adjourned at 6:19 PM.



MEMORANDUM

DATE: December 12, 2023

TO: Planning and Zoning Board

FROM: Chris Carson, AICP, Senior Planner

THRU: Sabreena Colbert, AICP, Community Development Director

SUBJECT: 2023-RZ-08, Ordinance No. 1698, A recommendation to the Mayor and City Commission regarding a request for rezoning of property located at 2801 W. Lake Mary Blvd. from A-1, Agriculture, to PO, Professional Office. Applicant: Mr. Chris Butera, 2801 Devco, LLC. (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)

REFERENCES: City Code of Ordinances and City Comprehensive Plan.

REQUEST: The applicant is requesting a rezoning from A-1, Agriculture, to PO, Professional Office for the property located at 2801 W. Lake Mary Blvd.

DISCUSSION:

Location: The subject property is +/- 1.97 acres and is located on the south side of W. Lake Mary Blvd, east of Longwood Lake Mary Rd. and west of 5th St. The site was previously occupied by Bloom-Masters Wholesale Nursery and has remained vacant since Bloom-Masters relocated in 2019. The site is currently zoned A-1 (Agriculture), and the future land use designation is RCOM (Restricted Commercial).

The parcel ID for the subject property is 16-20-30-300-023B-0000.

The applicant is requesting the change in zoning to allow for an office development and for consistency with the City's Comprehensive Plan.

CRITERIA FOR REZONING (154.27):

Need: The applicant proposes to rezone the subject property so the zoning is consistent with the RCOM future land use designation and to allow for future medical and professional office development.

- A. Justification:** Currently, the subject property is zoned A-1 (Agriculture) and has a future land use designation of RCOM (Restricted Commercial). The applicant would like to rezone the Subject Property to PO (Professional Office) as part of the development effort.

Per the City's Comprehensive Plan, the PO zoning district is compatible with the Restricted Commercial land use; therefore, the proposed rezoning is compatible with the existing land use.

- B. Effect of Change In and Around the Area:** There are currently a mix of zoning designations along the south side of Lake Mary Blvd. including A-1, Agriculture, PO, Professional Office, C-1, General Commercial, and PUD, Planned Unit Development. This is one of two remaining vacant parcels along the Lake Mary Blvd. corridor zoned A-1 with a future land use designation of Restricted Commercial.

The rezoning will have a positive impact on the surrounding area as it will allow for consistency with the Restricted Commercial future land use designation and the existing PO, C-1, and PUD zoned properties to the east, west, and north. The property to the south is zoned PUD for the Fontaine Subdivision. Pursuant to LDC section 154.62(A)(1), the PO district is designed to be compatible with residential uses.

- C. Amount of Similar Zoned Land and Comparable Undeveloped Land in the Area:** Within the City, 1.33 % of all parcels are zoned as PO, Professional Office.

- D. Relationship to Comprehensive Plan:** The Future Land Use (FLU) designation of the subject property is RCOM (Restricted Commercial).

Policy 1.4 of the City of Lake Mary's Comprehensive Plan states that the RCOM future land use designation allows for consumer oriented commercial uses and professional office uses which are compatible in design and intensity with residential areas. The intent of this designation is to be located in proximity to major thoroughfares and to be compatible with nearby residential areas through adequate buffering and site design.

Table GOP-1 "Future Land Use/Zoning Compatibility Chart" indicates that the PO, Professional Office zoning district is compatible with the Future Land Use designation of RCOM, Restricted Commercial.

Compatibility to City Code: The requested PO, Professional Office zoning district is compatible with the City's Comprehensive Plan and the Code of Ordinances.

FINDINGS OF FACT: The above findings of fact A through D are determined to provide support for the request to rezone the subject property located at 2801 W. Lake Mary Blvd. from A-1, Agriculture, to PO, Professional Office, by establishing consistency and compatibility, and staff recommends approval of Ordinance No. 1698.

NEXT STEPS: The Mayor and City Commission will hear this item on January 18, 2024 for First Reading and February 1, 2024 for Second Reading.

LEGAL DESCRIPTION:

SECTION 16 TOWNSHIP 20 SOUTH RANGE 30 EAST, WEST 150 FEET OF EAST ½ OF NORTHWEST ¼ OF NORTHWEST ¼ OF NORTHWEST ¼ (LESS NORTH 91 FEET FOR ROAD)

ATTACHMENTS:

- Ordinance No. 1698
- Location Map
- Zoning Map
- Future Land Use Map
- Aerial
- Justification Statement

ORDINANCE NO. 1698

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA AMENDING THE CITY OF LAKE MARY OFFICIAL ZONING MAP BY REZONING CERTAIN PROPERTY WITHIN THE CITY OF LAKE MARY, CONSISTING OF +/- 1.97 ACRES OF PROPERTY LOCATED AT 2801 WEST LAKE MARY BOULEVARD, MORE FULLY DESCRIBED HEREIN, FROM THE PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURE TO PO, PROFESSIONAL OFFICE, PURSUANT TO THE TERMS OF THE FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Mr. Chris Butera, 2801 Devco, LLC, as applicant for the property owner, has petitioned to rezone the above referenced property, within the City of Lake Mary, Florida, which is currently zoned A-1, Agriculture and has a Future Land Use designation of RCOM, Restricted Commercial, in the City's Comprehensive Plan; and

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

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

WHEREAS, at their regular meeting on December 12, 2023, the City of Lake Mary Planning and Zoning Board voted (_ - _) to recommend approval of the proposed PO zoning designation.

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

Section 1. That the City Commission in order to promote the health and general welfare of the citizens of Lake Mary, Florida, and to establish the highest

and best use of real property within the City of Lake Mary, Florida, hereby rezones the following described property from its present zoning classification of A-1, Agriculture to PO, Professional Office:

SECTION 16 TOWNSHIP 20 SOUTH RANGE 30 EAST, WEST 150 FEET OF EAST ½ OF NORTHWEST ¼ OF NORTHWEST ¼ OF NORTHWEST ¼ (LESS NORTH 91 FEET FOR ROAD)

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

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

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

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

PASSED AND ADOPTED this __ day of _____, ____

FIRST READING: January 18, 2024

SECOND READING: February 1, 2024

ATTEST:

Amber Branton, City Clerk

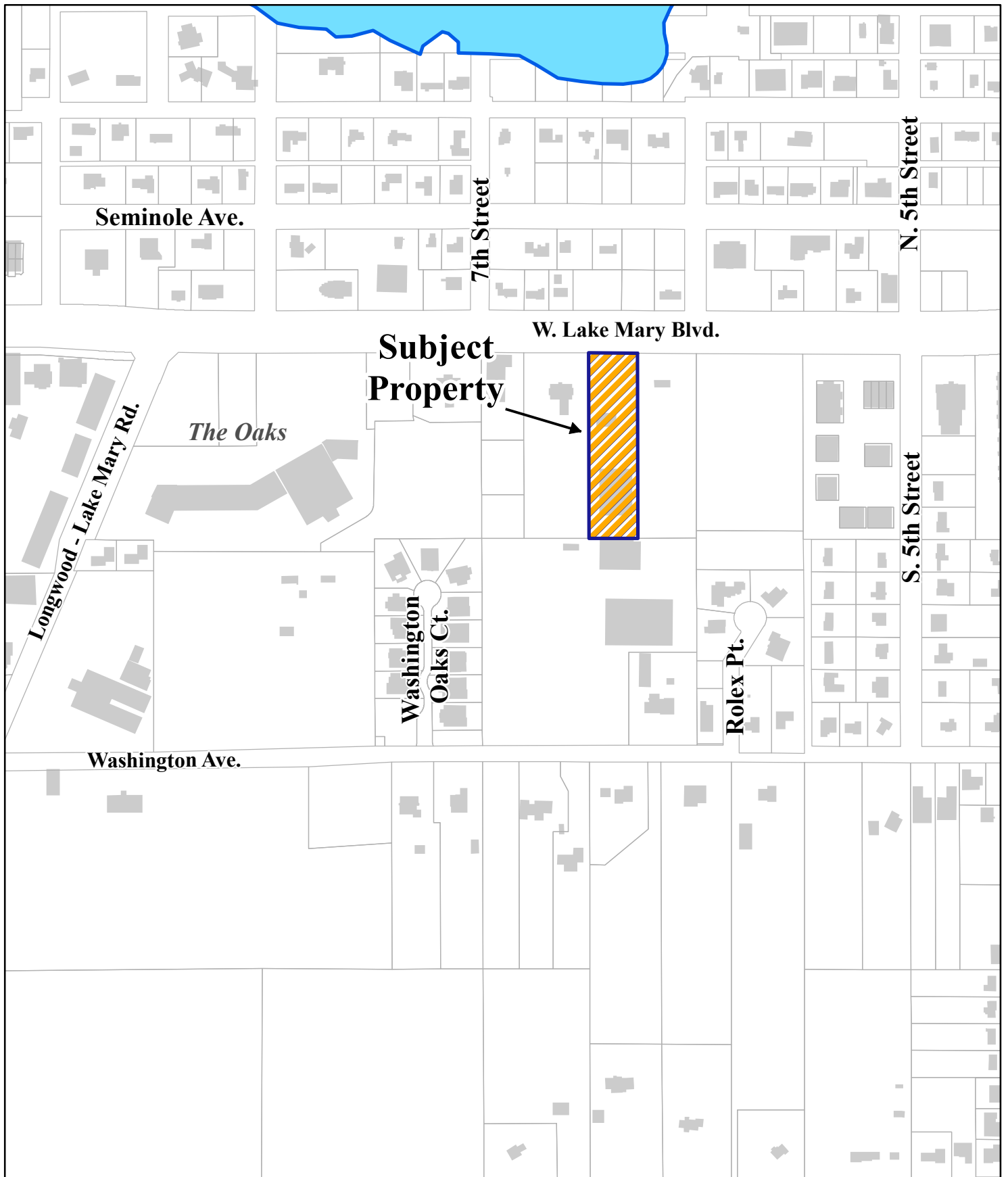
David J. Meador, Mayor

CITY OF LAKE MARY, FLORIDA

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

CATHERINE D. REISCHMANN, CITY ATTORNEY



Legend

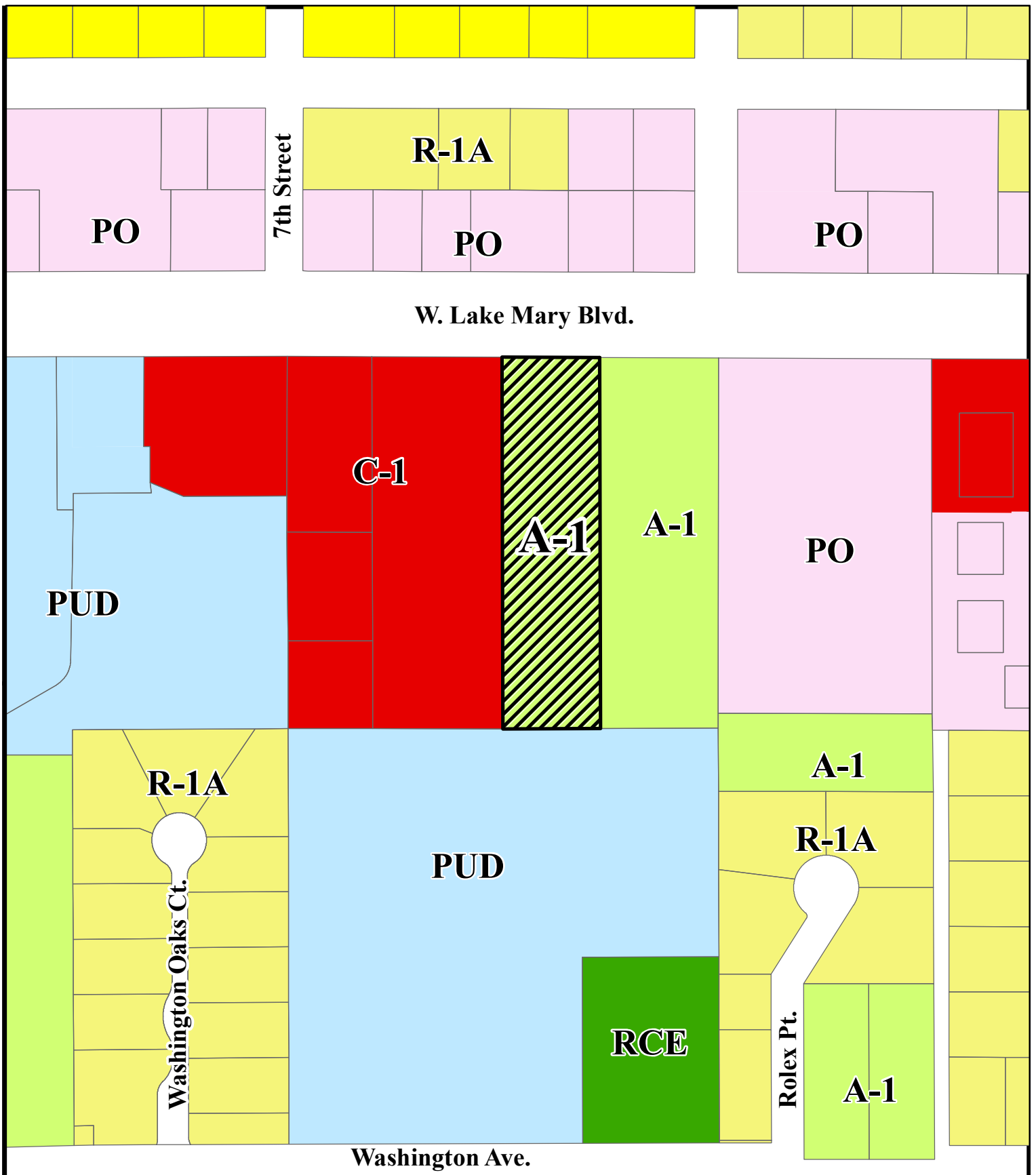
-  Subject Property
-  Lake Mary City Limits
-  Major Lakes



0 150 300 600 Feet



Hicks Rezoning
2801 W. Lake Mary Blvd.
Location Map

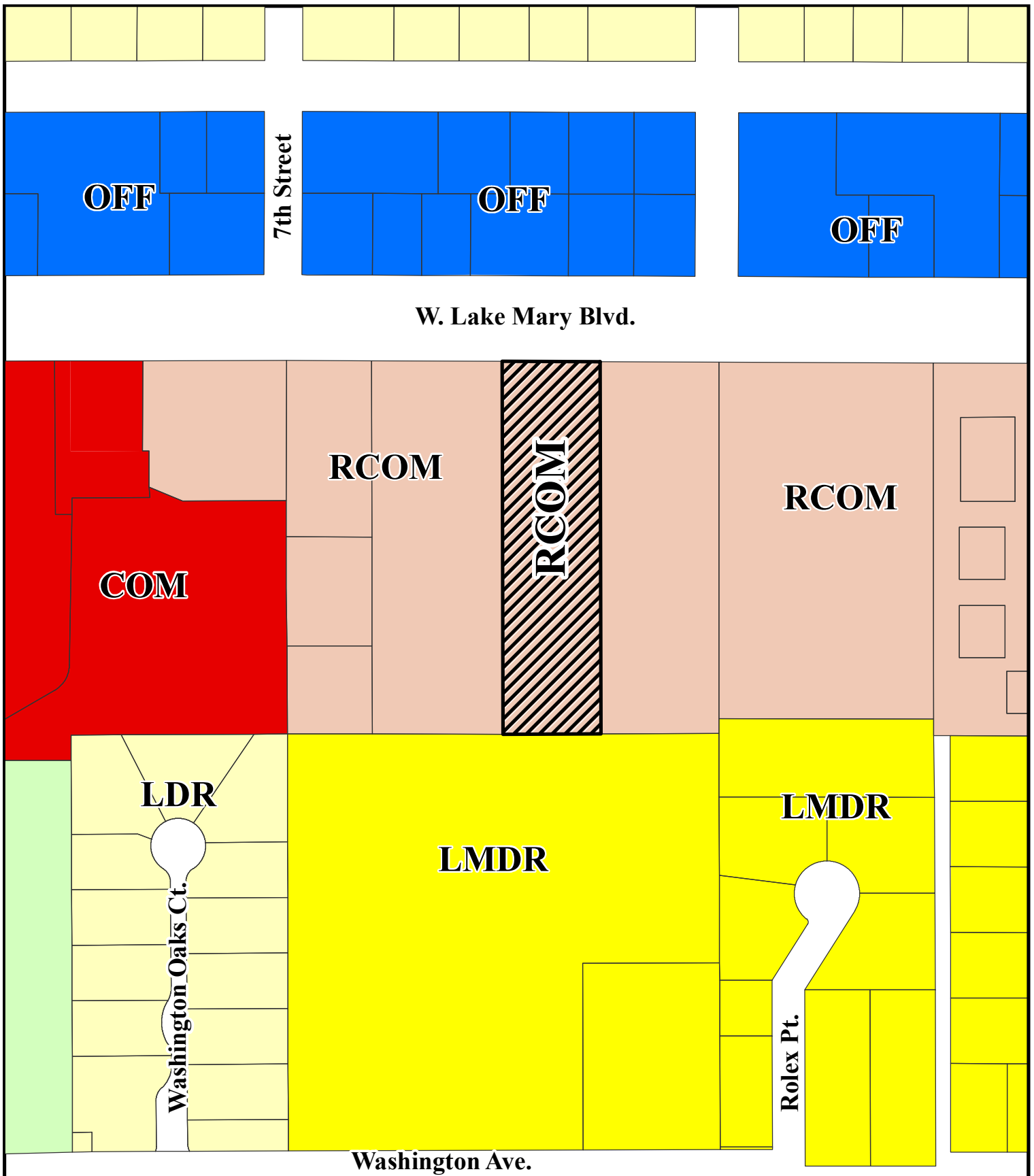


Legend

	Agriculture (A-1)		Government Use (GU)		Single Family (R-1A)		Single Family (R-1B)
	General Commercial (C-1)		Light Industrial (M-1A)		COUNTY R-1A		One & Two Family (R-2)
	Commercial (C-2)		Industrial (M-2A)		Single Family (R-1AA)		Multiple Family (R-3)
	Seminole County PUD		Professional Office (PO)		COUNTY R-1AA		Residential (R-M)
	Downtown Centre (DC)		Planned Unit Development (PUD)		Single Family (R-1AAA)		Rural Country Estate (RCE)



Hicks Rezoning
2801 W. Lake Mary Blvd.
Zoning Map



Legend

Mixed-Use Midtown (MUMT)	Industrial (IND)	High Density Residential (HDR)
HTM (High Tech & Medical)	Office (OFF)	Rural Residential (RR)
Commercial (COM)	Low Density Residential (LDR)	Public/Semi Public (PUB)
Restricted Commercial (RCOM)	COUNTY LDR	Recreation (REC)
Downtown Development District (DDD)	Low/Medium Density Residential (LMDR)	Downtown Development District
High Intensity Planned Development (HIPTI)	Medium Density Residential (MDR)	



Hicks Rezoning
2801 W. Lake Mary Blvd.
Future Land Use Map



Legend

 Subject Property



0 25 50 100 Feet



Hicks Rezoning
2801 W. Lake Mary Blvd.
Aerial Map



1275 W Granada Blvd, Suite 5B
Ormond Beach, FL 32174
(386) 453-4789

November 9, 2023

Chris Carson, AICP
City Of Lake Mary
911 Wallace Ct.
Lake Mary, FL 32746

RE: 2801 W Lake Mary Blvd, Lake Mary, FL (Parcel ID: 16-20-30-300-023B-0000)
Zoning Review request from current A-1 to PO Professional Office

Dear Chris:

We hereby request a rezoning of the 1.97+/- acre parcel located at 2801 W Lake Mary Blvd from its current A-1 zoning to a new zoning of PO Professional Office. We intend to develop this property into a medical/professional office park of approximately 20,000 SF.

The FLU of our property is RCOM Restricted Commercial and the surrounding properties along Lake Mary Blvd have zoning categories that are complementary to our proposed use.

We look forward to working with you and staff on this new project in Lake Mary. Thank you.

Sincerely,

Chris Butera

Chris Butera
chris.butera@svn.com