



LAKE MARY PLANNING AND ZONING BOARD

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

Regular Meeting AGENDA

TUESDAY, MARCH 26, 2024 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 - February 27, 2024**
- 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. 2022-SP-05, A request for site plan approval for the construction of a 2-story, +/- 21,483 sq. ft. office building, known as Office Biscayne, located at 3416 W. Lake Mary Blvd. Applicant: Mr. Chris Butera, Crystal Devco, LLC. (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)
 - B. 2023-ZTA-02, Ordinance No. 1701, A recommendation to the Mayor and City Commission regarding a City initiated code amendment to amend Chapter 154.14 Location of accessory uses and structures in residential districts. (Public Hearing – Legislative) (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 MINUTES

TUESDAY, March 26, 2024, 6:00 PM

NO VIDEO RECORDING WAS MADE FOR THIS MEETING

1. Call to Order

The meeting was called to order by Chairman Hawkins at 5:59 PM.

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call – Determination of Quorum

Robert Hawkins, Chairman
Colleen Taylor, Vice Chair
Benjamin Vogt, Member
Brittany Walker, Member
Sabreena Colbert, Community Development Director
Christopher Carson, Senior Planner
Michael Lopez, Planner
Patrick Martin, Administrative Coordinator
Judy Edwards, Permit Technician
Katie Reischmann, City Attorney

5. Approval of Planning and Zoning Board Minutes

A. Draft Planning & Zoning Board Minutes

Member Vogt made a motion to approve the Draft Planning and Zoning Board Meeting Minutes of February 27, 2024. Member Walker 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 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.

- 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. 2022-SP-05, A request for site plan approval for the construction of a 2-story, +/- 21,483 sq. ft. office building, known as Office Biscayne, located at 3416 W. Lake Mary Blvd. Applicant: Mr. Chris Butera, Crystal Devco, LLC. (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)**

Chris Carson, Project Manager, came forward to present Item A.

The applicant is requesting site plan approval to construct a 2-story, +/- 21,483 sq. ft. medical office building, located at 3416 W. Lake Mary Blvd. The property is located at the northwest corner of Crystal

Dr. and W. Lake Mary Blvd. The Future Land Use is Office, and the zoning designation is Professional Office.

The applicant is proposing a building height of 34'-2" which falls below the maximum permitted of 35'. Just for clarification purposes any rooftop mechanical equipment will be adequately screened. The Professional Office zoning district requires building setbacks of 25' and a 60' building setback from Lake Mary Blvd. since the property is within the Lake Mary Blvd. Gateway Corridor. All setbacks are being met.

Access is provided via a curb cut to Crystal Dr. and movement leaving the development is restricted to right turns only so there cannot be left turns onto Crystal Dr. heading northbound.

Due to the potential for medical office uses, the development is projected to generate 60 morning peak hour trips, 84 evening peak hour trips, and 815 daily trips. The applicant provided a full traffic study, and after review by the City's traffic consultant and Seminole County, it was determined that the median turn lane would need to be extended 125'. Lake Mary Blvd. will continue to operate at the existing level of service.

86 parking spaces are required to meet the code requirement of 1 parking space per 250 sq. ft., and the applicant is providing 88 parking spaces including 4 ADA accessible spaces.

The landscape requirements include a big "A" buffer along the north and west side of the property and that's outlined in green on the graphic above. A 15' little "a" buffer is required on the east side, and the development must abide by the Lake Mary Blvd. Gateway Corridor standards along Lake Mary Blvd or the south side.

There is an existing 6' wall along the north side of the development and the applicant is proposing a 6' wall on the west side to be consistent with the existing wall. There are no historic trees located on site. Existing trees within the north and west buffers are being preserved except those conflicting with the parking area or retention pond. Foundation landscaping will be planted around the building and 10% of the parking area will be landscaped consistent with Chapter 157.

The plan meets the open space requirement by providing 50.2% open space.

The applicant is proposing a dry retention pond at the north end of the parcel designed for the 25-year, 24-hr storm event within an open basin.

The project will connect to the City's water main on Crystal Dr., and water and sewer will be provided by the City.

An environmental assessment was conducted and found no species identified in the Florida Fish and Wildlife Conservation Commission Endangered and Threatened Species list.

A monument sign is proposed on the south side of the property, and the dumpster is located at the NW portion of the parcel.

Staff finds all criteria have been met for granting approval of the proposed site plan and recommends approval with the 5 conditions as outlined in the staff report. This board is the terminal board for the item.

Chairman Hawkins asked why we aren't letting people go north on Crystal Dr. Mr. Carson responded at the rezoning Crystal Reserve residents came out with concerns. Chairman Hawkins asked if that was a condition of the rezoning. Mr. Carson stated it was a recommendation by staff to address the concerns expressed during the rezoning, but it was not a condition.

Chairman Hawkins questioned if people would turn left anyway. Mr. Carson stated the design would disrupt that, but there is potential that someone could turn left. Chairman Hawkins stated the design does not prevent left-hand turns, and that on every other street on the north side of Lake Mary Blvd. every development has been allowed for traffic to turn left to go north on the side streets. Mr. Carson responded the design is consistent with the entrance at the KinderCare on 5th St.

Ms. Colbert added the location of KinderCare is on the south side of Lake Mary Blvd at 5th St. for clarification.

Mr. Carson added that the north side of Lake Mary Blvd. is a pretty consistent grid, but for this development there was a lot of concern from the residents and staff as well. Chairman Hawkins stated the applicant should change the design to physically prevent travel north on Crystal Dr. to be effective since there is no concrete barrier to keep them from doing that on the current plan. Mr. Carson agreed and added there is the right-hand turn marking and people should follow the rule, but he understands people will generally do what they want.

Chairman Hawkins identified a location where a concrete barrier was added across from Lake Mary Elementary and everyday people turn left going south on Country Club Rd., so the developer should design it so that people are physically prevented from turning left. Mr. Carson suggested that a condition could be added if the board pleases. Chairman Hawkins agreed with the suggestion.

Member Vogt stated he concurred with adding a concrete barrier to force a right-hand turn.

Vice Chair Taylor stated if she remembers the reason we couldn't do it on the CentraCare Kids was the Fire Department objected saying they could not make proper ingress. If we do add a condition, it needs to meet Fire requirements.

Mr. Carson noted the engineering AutoTurn would have to be re-run to make sure the Fire truck could still circulate the site adequately.

Chairman Hawkins commented if a Fire vehicle was going into the CentraCare over here they would just go over the curb. The curb is not high enough to prevent a fire truck from going over it.

Ms. Colbert stated a condition can be added and part of that condition would include a review by the Fire Marshal to ensure adequate access for the trucks is maintained.

Chairman Hawkins understands there are concerns, but because of the railroad tracks people are cutting through back neighborhoods throughout the whole city. That's just life in Lake Mary, people are

going to go down the side streets. You have to because the railroad tracks just clog traffic throughout the city.

Ms. Colbert responded the point is well-taken and a condition can be added, if that's the pleasure of the board. In this instance, unlike some of the other areas in the City, the access going north on Crystal Dr. is limited. Crystal Reserve is a cul-de-sac that dead-ends and the only other through street is Gehr Ln. Lakeview Ave. does not extend through to Crystal Dr.

Chairman Hawkins concluded that is his only comment.

Chairman Hawkins asked if the applicant is present and would they like to come forward to speak.

Mr. Chris Butera, Crystal Devco, LLC, 1275 W Granada Blvd Ste. 5B, Ormond Beach, FL came forward. Mr. Butera stated originally, we wanted to have a second entrance on Lake Mary Blvd., and we were not allowed by Seminole County. They didn't want cars pulling directly onto the road. We were left with just having this one access point on Crystal Dr. In an earlier draft, the entrance you see was located a bit further south to align with the driveway across Crystal Dr. for the other office property. We did have one of the low curbs directing cars to turn right. If someone sees a right turn only sign in the street or sees a curb, they could still choose to break the law and turn left. I don't know that there is any way that we could prevent that and what we tried to do, based on the feedback that we received, is to try to discourage it the best way that we could. We were directed by the traffic consultant later in the design process to move the entrance further back off of Lake Mary Blvd., and they were no longer worried about us aligning directly with the other office property. When we did that, we did not have room to keep the curb.

Lake Mary has a 36' driveway width maximum and this being the only entrance to the project we wanted to create as grand and as comfortable of an entrance as possible for cars to go in and out. At the same time, we had to be aware of the fire trucks and Waste Management trucks being able to get in and out of the site. If we had the ability to widen the driveway, we could put that curb back in, but again I don't know that it will stop somebody if they want to turn north. The idea behind this was just to discourage the traffic from turning north. Of course there will be law breakers. People could drive past the striped arrow. They could drive over the curb. They could even drive over the grass, if they chose to. We weren't concerned as much with the northern bound traffic because there aren't as many ways for that traffic to go. It isn't like they are going to be skipping a bunch of turns or traffic and save a bunch of time to go that way. That's why it was put in the way it was.

Outside of that, I think we took the input from both your board and the neighbors that came out to speak, when we rezoned the property. Their feedback to us was to get the building as far away as possible from the north boundary. We only had a 25' northern buffer, and now we are over 150' away from those houses. Even the neighbors to the west are still well above 60' away from that boundary. There is a 6' concrete wall that already exists on the northern boundary. We are going to match that with a 6' foot wall on the western boundary, so the property will be shielded and hopefully those neighbors will feel protected.

Chairman Hawkins asked what's this code of a maximum of a 36' wide driveway. Mr. Carson responded the maximum driveway width in the City is 36' for commercial properties.

Chairman Hawkins asked what is this one over here, across from Lake Mary Elementary. Vice Chair Taylor added CentraCare Kids.

Ms. Colbert informed the board that staff would need to look at the plans, and Mr. Carson stated he was not sure.

Chairman Hawkins stated that one is designed, right-in right-out, with a concrete barrier to prevent people from going left, so I disagree with that. If it can be built over here at 36', then you can build it up here at 36'.

Mr. Butera responded the difference is on the CentraCare property they are not allowing left-in access. We have to allow left-in access on our site. The same design condition that's there won't work here because we have to allow left-in access to this property, whereas the CentraCare does not allow a left-in.

Vice Chair Taylor asked if the condition was added can it still meet code. Mr. Butera responded that in an earlier version the driveway location allowed a different path for the trucks, but it didn't work for the truck turns, so it was really a fire truck issue. Could they drive over it? Yes, unfortunately they don't allow us to build it, if they have to drive over it.

Ms. Colbert added that they can probably add something and still meet code, but it may be minimal impact on preventing left turns.

Item A was opened for public hearing. Mr. Tom Beckwith of 709 Greentree Ct., Lake Mary, FL came forward. Mr. Beckwith stated one of his questions about the wall on the west side was already answered. He asked regarding the retention pond, if there is any way that water is going to come back into our property. There is a field there that is open, and there is concern because they have a water problem now when it rains. Also, the height of the light posts concerns some residents who think they are going to be blinded at night with light shining into their homes. As well, there are concerns as to where the garbage bins are going to be. There is a bad problem with raccoons and other animals. We are just concerned about where your cans are going to be located.

Chairman Hawkins advised Mr. Beckwith the location of the dumpster is marked in yellow on the display. Mr. Beckwith confirmed that it would be in the northwest corner, and questioned if this would be a restaurant.

Ms. Colbert responded that it will be an office or medical office and explained that in the image above all of the green is the landscape buffer which on the north and west will include a lot of existing trees that will remain on site. She further explained that the edge of pavement is the dark grey and the yellow box depicts the dumpster enclosure at corner of the parking lot.

Mr. Carson added in regard to the lighting, prior to getting a certificate of occupancy a lighting inspection will be done. We have looked at the photometric plan, which shows how much light is actually being emitted from the light poles, and at the property lines, it is meeting code. It will not exceed 0.5 footcandles at the property lines. There will not be blinding lights shining into the residences. As far as storm water, it meets code. They won't be exceeding what is there currently.

Ms. Colbert added the storm water design also has an additional overflow that connects to the County's system.

Chairman Hawkins clarified it is the County system under Lake Mary Blvd. Ms. Colbert responded in the affirmative. Mr. Carson confirmed this is for a 24 hour – 25-year storm event.

No one else came forward and the public hearing was closed for Board discussion and a motion.

Chairman Hawkins stated he was glad to see a condition requiring screening for air conditioning and mechanical units and thanked staff for that.

Member Vogt made a motion to approve 2022-SP-05, a request for site plan approval for the construction of a 2-story, +/- 21,483 sq. ft. office building, known as Office Biscayne, located at 3416 W. Lake Mary Blvd. with the 5 conditions recommended by staff and an additional condition requiring a concrete curb, in addition to the proposed signage, restricting the ability to turn left onto Crystal Dr., subject to meeting all other code requirements (i.e. Fire truck access and drive-way width). Member Walker seconded the motion, and the motion carried 4 to 0.

B. 2023-ZTA-02, Ordinance No. 1701, A recommendation to the Mayor and City Commission regarding a City initiated code amendment to amend Chapter 154.14 Location of accessory uses and structures in residential districts. (Public Hearing – Legislative) (Chris Carson, Project Manager)

Chris Carson, Project Manager, came forward to present Item B. Mr. Carson stated staff, under the direction of the Mayor & City Commission, is requesting an update to Chapter 154.14, location of accessory uses and structures in residential districts.

It has been a while since we have done this, but the accessory structure code was last updated in 2008. That code update corrected discrepancies and clarified building setbacks, permit requirements, and permitted locations of accessory structures.

Today, much of that code is outdated, not practical and open for interpretation. Ordinance 1701 will simplify, consolidate, and provide overall clarity for accessory structures. We are proposing to consolidate the accessory structure categories into two different categories based on size and height. The first category will be structures less than 400 sq. ft. Up to a height of 8' have a 4' setback, and for every foot that exceeds 8' in height an additional 1' setback is required. For accessory structures that are 400 sq. ft. or greater, the setbacks are per the zoning district, generally 30' for the rear – 8' for the side, and for every foot that's above 12' there is an additional 1' setback required.

We are also establishing standards for architectural compatibility. We are introducing size limitations, so the cumulative areas of the accessory structures cannot exceed the floor area of the primary building. Overall, this is a clean-up and clarification of existing standards and requirements.

Staff recommends approval of Ordinance No. 1701. The Mayor and City Commission will hear this item on April 18th for first reading and May 2nd for second reading.

Chairman Hawkins asked if we got this from other municipalities or was it done on our own. Mr. Carson responded we have researched and pulled information for the last year. We have looked at other municipalities to see what they are doing, but all-in-all we are proposing what would be best for Lake Mary based on the Commission's feedback, research, and what we've observed in reviewing building permits.

Chairman Hawkins questioned if this ordinance is more restrictive. Mr. Carson responded it is a bit more restrictive if you have an accessory structure that is greater than or equal to 400 sq. ft., but if you have one that is less, it is less restrictive.

Ms. Colbert added the big thing is the code previously didn't have a limitation on the height, other than the height of the zoning district. We are clarifying, not necessarily being more restrictive aside from putting limitations that are based on size. If you want a bigger structure, then your setback has to be greater to accommodate that. The goal is, if you are going to build a 2,000 sq. ft. accessory structure, then you should build it to resemble your primary building, your house, as if it was constructed simultaneously. We haven't gone so far as to require the exact same construction materials, but we are trying to incorporate elements of compatibility into accessory buildings as part of this update. It has been very difficult for staff to apply the code as it is currently written. It is hard for residents to understand. If we are struggling and residents can't understand, then a change needs to be made and that is what we are proposing.

Vice Chair Taylor asked are you seeing compatibility requirements in other jurisdictions. Ms. Colbert responded yes, and usually compatibility comes into play when the structure is the size of a garage. A single car garage is 200 sq. ft. or greater, but we find that often people are wanting larger tool sheds or a cabana for their pool. A large metal shed or something that is 600 or 900 sq. ft., or larger would have to incorporate these compatibility elements that are being proposed whether it be trim and color, windows, materials, and not an out of the box kit that you often see.

Vice Chair Taylor asked if this is a problem within the City. HOA's make up a lot of the City, so they tend to have covenants that cover this type of situation. If you have a certain acreage of property and you want to put up a shed, I am trying to understand why it has to be compatible if you are the type of person that has gone to the trouble of specifically purchasing outside of an HOA because you want to make more independent decisions. Then we are imposing basically custom-building costs on every single property in the City. I'm not 100% sure I understand the rationale behind that.

Ms. Colbert responded this was initiated based on feedback received from citizens. We are not making it so customized or preventing anyone from having a large metal structure. Your accessory structure cannot exceed the floor area of the house. The City's definition of floor area is the horizontal floors total, so if you have a 2-story house and it's 2400 sq. ft., you can have a 2400 sq. ft. or less accessory structure. It cannot exceed the height of the principal building, and it cannot exceed the area of the principal building. With the 2400 sq. ft., we are asking that the primary façade that is visible from a street, would incorporate windows, trim, color to match the primary structure, minimal application for aesthetics. Not so restrictive that if you have a concrete block primary structure with hardie board siding that you have to have an accessory structure that is the same.

Vice Chair Taylor asked would you be able to purchase a commercial, in-the-box – because we have some commercial buildings that are pretty garish that we have allowed to come into the area. Do you

think that you would be able to purchase something off-the-rack, over-the-counter from a big box store and have it installed in the City once this is implemented?

Ms. Colbert responded yes, if less than 400 sq. ft. For 400 sq. ft. and over, I do think that, and This is not new to our code, it already calls for architectural compatibility, but compatibility is one of those terms that is difficult to quantify and is up for interpretation. We are just adding elements that can be incorporated and used as we review and advise residents. If you match the color, if you incorporate two windows on the front facing the road, then it would meet code and that would consist of architectural compatibility for that size structure.

Ms. Reischmann asked if it was understood that this only applies to residential districts, and if it is under 400 sq. ft. then they don't have to be architecturally compatible. If it is over that, as Ms. Colbert was saying, it is only 3 elements required from a list of things.

Vice Chair Taylor confirmed her understanding and stated she is not familiar with the type of requests that come in or with the products. I just want to make sure we're not putting an onerous financial burden on citizens that they wouldn't be able to meet. I wouldn't support it, if it had to be completely custom, if you could go to a store. If you think you can do that, then I can get behind it.

Mr. Carson responded we had that thought too when we were drafting the updates. We didn't want to make it extremely burdensome on the residents by any means. We don't have standards for architectural compatibility at this moment. It is more putting something in place, so that we can enforce it across the board equally.

Chairman Hawkins added there's a list and you just have to have 3 things, but I don't know that you could get a 400 sq. ft. structure from Home Depot or Lowe's. That would be 20' x 20'.

Ms. Colbert stated structures of that size require structural engineering, signed and sealed plans.

Vice Chair Taylor stated she just wants to make sure that you don't think it's overly burdensome. I just don't want it to be onerous. Chairman Hawkins agreed.

Item B was opened for public hearing. No one came forward and the public hearing was closed for Board discussion and a motion.

Member Vogt made a motion to recommend approval of 2023-ZTA-02, Ordinance No. 1701, a recommendation to the Mayor and City Commission regarding a City initiated code amendment to amend Chapter 154.14 Location of accessory uses and structures in residential districts. Member Walker seconded the motion, and the motion carried 4 to 0.

10. Community Development Director's Report

Sabreena Colbert, Community Development Director, stated Ordinance 1699 amending Chapter 152 for the flood plain management was approved by the City Commission. There are no items for April 9th, and April 23rd is TBD. Also, I want to introduce Patrick Martin, the new Administrative Coordinator for Community Development. He will be taking over for Judy, as the Board Clerk for these meetings, and I want to thank Judy for stepping up and taking on the role as the interim Clerk because her true role

within the department is Permit Tech. You will start to see emails come from Patrick in lieu of me when the agendas are distributed.

11. Other Business

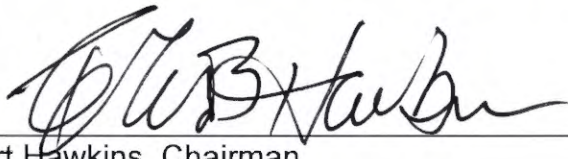
There was no other business.

12. Reports of Other Members

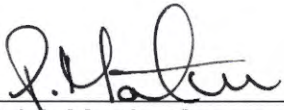
There were no other reports.

13. Adjournment

There being no further business, the meeting adjourned at 6:36 PM.

A handwritten signature in black ink, appearing to read "R. Hawkins", written over a horizontal line.

Robert Hawkins, Chairman

A handwritten signature in black ink, appearing to read "P. Martin", written over a horizontal line.

Patrick Martin, Community Development Administrative Coordinator