



LAKE MARY PLANNING AND ZONING BOARD

Lake Mary City Hall
100 N. Country Club Road

Regular Meeting AGENDA

TUESDAY, AUGUST 27, 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 and Zoning Board Minutes - August 13, 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. 2024-RZ-03, Ordinance No. 1708, A recommendation to the Mayor and City Commission regarding a request for rezoning of property located at 125 E. Wilbur Ave. from C-1, General Commercial, to DC, Downtown Centre. Applicant: Mrs. Barbara Horbal and Mr. Mike Horbal. (Quasi-Judicial – Public Hearing) (Michael Lopez, Project Manager)
 - B. 2024-SP-01, A recommendation to the Mayor and City Commission for site plan approval with variances for the construction of a 2-story, +/- 3,040 sq. ft. office building, known as Office at Midtown, located at 3092 W. Lake Mary Blvd. Applicant: Mr. Bryan Potts, P.E., Tannath Design, Inc. (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)
 - C. 2024-VA-01, A recommendation to the Mayor and City Commission regarding a request for a variance from Chapter 160.05(A), 160.05(B) and Chapter 155, Appendix A of the City Code of Ordinances, for the unopened portion of Leslie Ln. Applicant: Mr. Gowtham Mareddy (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 MINUTES

TUESDAY, AUGUST 27, 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 5:57 PM.

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call – Determination of Quorum

Robert Hawkins, Chairman

Brittany Walker, Member

Thomas Peet, Member

Benjamin Vogt, Member

Nick Carlin, Alternate Member

Sabreena Colbert, Community Development Director

Christopher Carson, Senior Planner

Michael Lopez, Planner

Miguel Conde, City Engineer

Patrick Martin, Community Development Administrative Coordinator

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 August 13, 2024. Member Peet seconded the motion, and the motion carried unanimously, 5 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. 2024-RZ-03, Ordinance No. 1708, A recommendation to the Mayor and City Commission regarding a request for rezoning of property located at 125 E. Wilbur Ave. from C-1, General Commercial, to DC, Downtown Centre. Applicant: Mrs. Barbara Horbal and Mr. Mike Horbal. (Quasi-Judicial – Public Hearing) (Michael Lopez, Project Manager)**

Michael Lopez, Project Manager, came forward to present Item A.

The applicant is requesting to rezone 125 East Wilbur Avenue from C-1, General Commercial, to DC, Downtown Centre, for consistency with the City's Comprehensive Plan and for future redevelopment. Per the City's Comprehensive Plan, the DC zoning district is compatible with the property's Downtown Development District future land use designation.

According to the City's Comprehensive Plan Policy 1.10, new development and redevelopment shall be required to rezone to DC or PUD to be compatible with the Downtown Development District future land use.

The 0.22-acre property is located on the south side of Wilbur Avenue, east of North Country Club Road and west of 2nd Street, in the core of the Downtown Development District.

The findings of fact noted in the staff report are determined to provide support for the request to rezone the subject property located at 125 East Wilbur Avenue from C-1 to DC by establishing consistency and compatibility.

Staff finds all conditions have been met and recommends approval of Ordinance Number 1708.

The Mayor and City Commission will hear this item on October 3rd for First Reading and October 17th for Second Reading.

The applicant, Mr. Mike Horbal, 1096 Shadowmoss Circle, Lake Mary, FL, came forward to speak on the item. Mr. Horbal stated staff have been very helpful, and he is looking forward to getting things going.

Item A was then opened for a public hearing. No one came forward and the public hearing was closed.

Member Peet made a motion to recommend approval of 2024-RZ-03, Ordinance No. 1708, a recommendation to the Mayor and City Commission regarding a request for rezoning of property located at 125 E. Wilbur Ave. from C-1, General Commercial, to DC, Downtown Centre. Applicant: Mrs. Barbara Horbal and Mr. Mike Horbal. Member Vogt seconded the motion, and the motion carried 5 to 0.

B. 2024-SP-01, A recommendation to the Mayor and City Commission for site plan approval with variances for the construction of a 2-story, +/- 3,040 sq. ft. office building, known as Office at Midtown, located at 3092 W. Lake Mary Blvd. Applicant: Mr. Bryan Potts, P.E., Tannath Design, Inc. (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)

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

The applicant is requesting site plan approval with variances to construct a 2-story, +/- 3,040 sq. ft. office building, located at 3092 West Lake Mary Blvd. The property is located on the north side of West Lake Mary Blvd. at the intersection of Longwood-Lake Mary Rd. The property is currently occupied by the existing State Farm building. The single-story building is to be demolished as part of redevelopment project. The property is zoned PO, Professional Office, and has a future land use designation of OFF. The property is within the Lake Mary Boulevard Gateway Corridor overlay therefore those standards apply.

The applicant is proposing a building height of 32 ft. 6 in. which falls below the 35 ft. maximum. There are building setbacks of 25 ft. along the north, east, and west sides required, and a 40 ft. building setback required to the south. The applicant is requesting a variance to south and east setbacks, and the other setbacks are being met. There is an existing access driveway shared by this property and the property to the west through a shared access easement.

The development is projected to generate 8 morning peak hour trips, 10 evening peak hour trips, and 44 daily trips which does not exceed the threshold for a traffic study. There are 12 parking spaces are being provided as required by code.

The property requires a 10 ft. Type A landscape buffer along the north, east, and west property lines, as well as a 15 ft. "Lake Mary Boulevard overlay" landscape buffer to the south. A variance is requested to reduce the landscape buffer to 0 ft. for the west buffer. There is 1 historic tree that will need to be removed. Foundation landscaping will be planted around the building and 10 percent of the parking area will be landscaped consistent with Chapter 157. The plan meets the open space requirement by providing 35.7 percent open space, and an environmental assessment was not required since this is an existing site.

The applicant is proposing an underground exfiltration system designed for the 25-year, 24-hour storm event within an open basin. Water and Sewer will be provided by the City and will connect to existing stub-outs.

Again, the variances being requested are a variance from the required landscape buffer of 10', to allow for a 0' landscape buffer along the west property line, a variance from the required building setback of 25', to allow for a 10' setback along the east property line, and a variance from the required Lake Mary Boulevard Gateway Corridor Overlay building setback of 40', to allow for a 25' setback.

The City Commission may waive various landscaping provisions if the general intent and purpose of the district is maintained. In order to maintain cross access with the properties to the west and to promote economic development, a waiver of the landscape buffer width is necessary. The reduction would not adversely affect the surrounding neighborhood.

Variances to the building setback must meet 7 findings of fact which are outlined on pages 4-7 of the staff report.

Staff finds all criteria have been met for granting approval of the proposed site plan with variances to the south and east building setbacks, and the west landscape buffer. Staff recommends approval with the 4 conditions as outlined in the staff report.

The Mayor & City Commission will hear this item on September 19th, 2024.

Chairman Hawkins asked if the existing ground sign is going to stay as it is. Mr. Carson responded at this time it is going to remain as it is, and if it is changed in the future it would have to be compliant with the code.

Chairman Hawkins asked if the pine tree behind the sign was also going to stay. Mr. Carson responded affirmatively.

Chairman Hawkins then asked because the proposed plan has a 25 year, 24-hour storm event drainage system, when there is a storm that exceeds that where will the water flow from this site.

Miguel Conde, City Engineer, responded anything in excess of the 25 year, 24-hour storm event will flow to the County's system along Lake Mary Blvd. that flows out to Soldier's Creek. Chairman Hawkins asked if that system is capable of handling the excess water, and Mr. Conde confirmed that it is.

The applicant, Mr. Doug Potts of Tannath Design, Inc., 2494 Rose Spring Drive, Orlando, FL, came forward and stated he had nothing to add to the presentation.

Chairman Hawkins then clarified that he had previously asked about the sign because a variance had been granted for it previously because it is not within code.

Alternate Member Carlin asked if the pine tree is still alive. Chairman Hawkins responded that it is and stated as long as the tree stays the sign can stay. If the tree ever dies or has to be removed, then the sign would have to come down too, and they would have to permit a new sign.

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

Member Vogt made a motion to recommend approval of 2024-SP-01, A recommendation to the Mayor and City Commission for site plan approval with variances for the construction of a 2-story, +/- 3,040 sq. ft. office building, known as Office at Midtown, located at 3092 W. Lake Mary Blvd. with the seven findings of fact and four conditions of approval. Applicant: Mr. Bryan Potts, P.E., Tannath Design, Inc. Member Walker seconded the motion, and the motion carried 5 to 0.

C. 2024-VA-01, A recommendation to the Mayor and City Commission regarding a

request for a variance from Chapter 160.05(A), 160.05(B) and Chapter 155, Appendix A of the City Code of Ordinances, for the unopened portion of Leslie Ln. Applicant: Mr. Gowtham Mareddy (Quasi-Judicial – Public Hearing – Chris Carson, Project Manager)

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

The applicant is requesting a variance to Chapter 160.05(A) and (B), the wetland protection zone and the environmental buffer, as well as Chapter 155, Appendix A, the standard street design criteria.

The subject property is the unopened portion of Leslie Lane. The applicant owns the property located at 194 Leslie Lane. In order to move forward with building permitting, the requested variances are needed for site access, and this is the only public access point to 194 Leslie Lane.

The other requested variance is to construct a 17 ft. curbed and stabilized access driveway in lieu of the standard 35 ft. typical section that includes a drainage swale to meet pre-construction and post-construction drainage conditions.

To authorize any variances from the terms of Chapter 160.05(A) and (B), and Ch. 155 Appendix A, there are 7 findings of fact that must be met. Staff has reviewed and analyzed the criteria on pages 3-5 of the staff report.

A special circumstance does exist. The right of way was platted in 1926, in 1975 with the Countryside plat, and again in 1991 with the Meadow Brooke plat. The unopened portion of Leslie Lane roadway was never extended to 194 Leslie Lane, and therefore there is currently no access to this property.

Pursuant to Policy 1.1, Property Rights Element of the Comprehensive Plan, and in accordance with Florida Law, private property rights shall be considered in local decision making. Strictly applying Ch. 160 will deprive the applicant the ability to access a single-family residence.

The requested variance is the minimum variance needed to access the parcel at 194 Leslie Lane. If the Board wishes to recommend approval of the variance, it should distinguish in its motion that a unique situation exists, and that this decision does not set a precedent.

Item will be heard by Mayor & City Commission on September 19th, 2024.

Staff finds that the applicant has met all seven findings of fact and recommends approval with the seven conditions of approval.

City Attorney, Catherine Reischmann, added that an almost identical variance had be presented before the Board in the past. Ms. Reischmann asked that the Board remember they are voting only on the variance for the road which is actually owned by the City. She stated that a central element of property ownership is the right to access an abutting right-of-way and the applicant's

property does abut a right-of-way even though it is unopened. Additionally, there is case law stating the City cannot be stopped from opening a right-of-way, and we are not opening a road, but a 17 ft. wide driveway. It would not be constructed as a typical road. Also, staff has suggested conditioning the variances on a right-of-way agreement which has a lot of requirements about complying with state law and requiring a maintenance bond for two years. As well, Ms. Reischmann added that the City can terminate the agreement if the applicant defaults and that would require the applicant to find another access.

Chairman Hawkins stated that the staff report has also been noted that the Board's motion, if they choose to approve the variances, should distinguish that a unique quality or situation exists that will clarify that this does not set a precedent.

Ms. Reischmann confirmed and added that the situation is very unique because there are not many unopened rights-of-way that are the only access points to a property. She stated she believes this is probably the only one.

Chairman Hawkins asked if this item was essentially identical to what was approved by the Board previously. Ms. Reischmann affirmed it is.

Member Peet asked if there would be a residence at the end of the proposed driveway. Mr. Carson responded that is correct. Member Peet questioned if the reason for the sprinklers in the structure was due to the length of the driveway. Mr. Carson responded that the sprinklers would be a requirement for fire and life safety.

The applicant, Mr. Gowtham Mareddy, 1706 Boxborough Drive, DeLand, FL, came forward to speak on the item. Mr. Mareddy stated that he had nothing to add, but he wanted to thank everyone for helping him through the process.

Item C was then opened for a public hearing.

Mr. Tom Aikens, 213 Leslie Lane, Lake Mary, FL, came forward to speak on the item. He stated he is a member of the Meadow Brooke homeowner's association. Mr. Aikens stated he didn't understand why this item was being presented. He stated there are 49 homes in Meadow Brooke, all with street access. The subject property is behind 4 of those homes in the midst of wetlands that he sees very wet every rainy season and with lots of wildlife. Mr. Aikens continued that the proposed variances would directly impact the wetlands and would cause drainage and road issues for Meadow Brooke because there is only one way in and out. He added that when the previous variance was discussed he felt more was done including getting approval from Environmental Protection as well as the St. John's Water Management District.

Mr. Aikens suggested to the Board that the item be reconsidered. He stated he doesn't know how it could be approved without the input from the other agencies. Additionally, he stated that there was a sign posted on the subject property, but it was no longer there 4 to 5 days prior to the meeting. He then requested that the Board consider the impact overall.

Chairman Hawkins asked Mr. Carson if this item was only for the requested variances and not for a site plan or any type of construction. Mr. Carson responded that at this time the item being presented is only the request for variances.

Ms. Reischmann added that there was a meeting with an attorney representing the homeowners and their input was added into the right-of-way agreement.

Mr. Tom Dees, 142 Wagon Wheel Way, Lake Mary, FL, came forward to speak on the item. He stated his property adjoins the subject property on along the majority of the southern boundary of his property. Mr. Dees stated he isn't present to speak against the item, he wants the applicant to be able to build his home and have the driveway access, but he does have some concerns. He stated in 2005 there was a similar variance request, as well as in 2023, and there were some updates to the more recent request that he believes should be included in the current agreement.

Mr. Dees stated that without certain items being rectified, this item may end up in an appeal process and the City may be subject to a taking. He suggested that a conditional approval similar to the previous approval that was made be put in place in this case. He acknowledged the existence of a unique situation and a hardship on the applicant, but that the property was purchased knowing that there was no access, and no variance approved. He stated that in 2005 the Commission voted to give a similar variance conditional approval with the condition that the applicant agrees that even in a post-engineering phase if there are flooding problems to the south from the development that the applicant will remedy that issue. Mr. Dees requested the Board impose a similar condition in this instance so as not to grant any special privilege to this applicant. He also voiced concerns on the effects of construction to the well on his property.

Ms. Reischmann responded that there is a condition, recommended by staff, that states even after construction if there are problems with drainage associated with the right-of-way the applicant will be responsible for correcting the identified problems at their expense. She added that even though the maintenance bond references the maintenance of the right-of-way that would also include any drainage.

Chairman Hawkins asked to confirm that the conditions are the same as from 2023 and Ms. Reischmann confirmed. Ms. Reischmann added the conditions also require compliance with State Law which would include the St. John's Water Management District permit.

Mr. Carson added the only condition that was added in addition to those in the previous approval was that the structure would have to have fire sprinklers due to the driveway width reduction.

Mr. Dick Fess, 106 Pine Circle, Lake Mary, FL, came forward to speak on this item. He stated he previously owned the property currently owned by Mr. Dees. He stated he has diagrams that show a 30-foot easement, and that the driveway would be 842.99 ft. long. Mr. Fess also stated that there are 2 historic trees in the area. He stated that the Leslie Lane culvert has been blocked before in years past that has caused significant flooding. Mr. Fess presented a document that

he said showed a 30-foot easement for drainage to the Soldier's Creek drainage basin. He stated he believes the proposed variances would cause drainage issues, and also that the historic trees should be preserved.

Ms. Reischmann asked Mr. Fess if he could provide the presented documentation for the record.

Mr. Barry Revels, 140 Wagon Wheel Way, Lake Mary, FL, came forward to speak on the item. Mr. Revels stated he has no problem with the applicant building a house as long as it is done correctly. He stated that his property abuts the applicant's property, and he wants to be sure that the drainage is handled properly. Mr. Revels stated that if anything goes wrong at any stage of the construction process, he wants to be sure the applicant will be held accountable.

Chairman Hawkins ensured that it will be up to the City to ensure everything is done properly during the construction.

Mr. Pete Mangos, 5056 Whitewater Way, St. Cloud, FL, came forward to speak on the item. He stated he was the previous owner of 194 Leslie Ln. Mr. Mangos stated that a civil engineer as well as City staff have looked at the drainage to ensure the culverts under the proposed driveway would be sufficient. He also stated that past flooding issues may have resulted from the catch basin being clogged, and he believes the City has since remedied that issue.

No one else came forward, and the Public Hearing was closed.

Chairman Hawkins stated he is sure that the applicant is entitled to get to his property, and there is only one way to get to it. He also stated he is sure that a driveway can be constructed with enough drainage under it. He continued that he is sure the City is not going to let anyone take down a historic tree without going through the proper process. Chairman Hawkins also added that the subdivision with the 49 homes was developed on a substantial amount of wetlands itself, and it was filled in to make a subdivision, so he is very comfortable with the current variance.

Alternate Member Carlin asked Ms. Reischmann where the condition about drainage is that she referenced in her earlier comments. Ms. Reischmann responded that it is condition number 3 and also reiterated that the maintenance bond does not only apply to the pavement, but for the entire roadway which includes drainage.

Member Peet stated that the money to repair damages could be very high. He asked if the applicant only has a bond for 2 years, can he afford if something goes terribly wrong. Ms. Reischmann asked Mr. Conde to address Member Peet's question.

Mr. Conde responded that within 2 years we would be able to see any effects of the driveway construction to the adjacent properties.

Member Vogt asked when the required 2-year period would start. Ms. Reischmann responded that the 2-year period would not start until the City accepts the driveway as complete and correct

in accordance with the plans the City has approved. She stated it will go through many layers of approval, and then after that there will be the 2-year period. She also added even after that the applicant is still responsible and the City will have mechanisms to enforce the conditions.

Member Walker asked compared to the 2005 approval, as mentioned by a resident, are the same standards in place in the current proposal. Ms. Reischmann responded that the standards are the same, but much improved. She stated in 2005 there was no right-of-way agreement or maintenance bond. Mr. Carson added that in 2005 the drainage was only referenced for properties to the south, but now the entire right-of-way is covered.

Member Walker asked if the referenced resident's property would be covered under the agreement. Mr. Carson responded that if drainage problems result from the right-of-way, then it would be covered.

Sabreena Colbert, Community Development Director, noted that the process moving beyond this variance request would require the applicant to submit fully engineered plans for the driveway and associated drainage. The plans would go through staff review and before a permit would be issued for the construction of the driveway the permit approvals from the State agencies would also need to be submitted to the City for review. No permit would be issued without any of the appropriate authorizations from all jurisdictions involved.

Member Peet made a motion to recommend approval of 2024-VA-01, A recommendation to the Mayor and City Commission regarding a request for a variance from Chapter 160.05(A), 160.05(B) and Chapter 155, Appendix A of the City Code of Ordinances, for the unopened portion of Leslie Ln. with the seven findings of fact and seven conditions laid out in the staff report. I further distinguish in this motion that a unique quality or situation exists, a property bounded by an unopened right-of-way, and that this decision does not set a precedent. Applicant: Mr. Gowtham Mareddy. Member Vogt seconded the motion, and the motion carried 5 to 0.

Member Peet asked when the driveway would be submitted for permitting. Mr. Carson answered that if the variance is approved by the City Commission, then the applicant will have to submit the permit application.

10. Community Development Director's Report

Sabreena Colbert, Community Development Director, stated there will be no meeting on September 10th, and in lieu of our regular meeting on September 24th we will be holding our Comprehensive Plan Update Open House in the Chambers from 5:00pm to 7:00pm. All Board members are invited to attend and participate. Ms. Colbert deferred to the City Attorney for additional comments.

Ms. Reischmann stated that she will be resigning her position as City Attorney as she is retiring. The new City Attorney that will attend future meetings is Darren Elkind. She stated she will miss working with the City of Lake Mary.

The Board thanked Ms. Reischmann for all of her years of service to the City.

11. Other Business

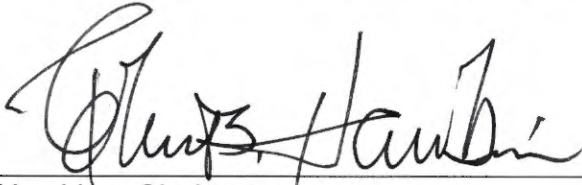
There was no other business.

12. Reports of Other Members

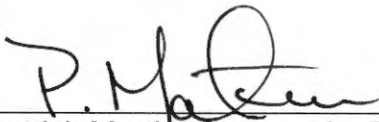
There were no other reports.

13. Adjournment

There being no further business, the meeting was adjourned at 6:48 PM.

A handwritten signature in black ink, appearing to read "Robert 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