

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
JANUARY 15, 2009**

The Lake County Local Planning Agency met on JANUARY 15, 2009 at 9:00 a.m. in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan and the Land Development Regulations.

Members Present:

Timothy Morris	District 1
Michael F. Carey	District 3
Peggy Belflower, Vice-Chairman	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative

Members Absent:

Cindy Barrow	School Board Representative
Terry Godts	At-Large Representative
Rob Kelly	District 2

Staff Present:

Melanie Marsh, Deputy County Attorney
Brian T. Sheahan, AICP, Planning & Community Design Director
Ian McDonald, AICP, Chief Planner, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:04 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Planning and Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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Chairman Foley welcomed Timothy Morris to the LPA.

MOTION by Michael Carey, SECONDED by Peggy Belflower to approve the June 20, 2008 minutes.

FOR: Foley, Schue, Carey, Belflower, Zaneis, Morris
ABSENT: Barrow, Godts, Kelly
AGAINST: None
MOTION PASSED: 6-0

MOTION by Michael Carey, SECONDED by Peggy Belflower to approve the July 10, 2008 minutes.

FOR: Foley, Schue, Carey, Belflower, Zaneis, Morris
ABSENT: Barrow, Godts, Kelly
AGAINST: None
MOTION PASSED: 6-0

Vicki Zaneis reviewed the affordable housing report.

Chairman Foley said she had appeared before the Board of County Commissioners (BCC) on January 6, 2009 to report that the LPA was scheduled to finish their review of Future Land Use Element (FLUE) on January 30, 2009. She said she had been told that the BCC would address updates to the Economic Element. Peggy Belflower requested a copy of the staff recommendations on the Economic Element and said she thought the LPA should review any substantive changes to the Plan. Chairman Foley said the BCC did not want the LPA to review the changes to the Economic Element. Keith Schue agreed with Ms. Belflower that the LPA was required to review changes to the Comprehensive Plan. Melanie Marsh, Deputy County Attorney, said the function of the LPA is to make recommendations on the Comprehensive Plan and after those recommendations are made the LPAs work is done until the Comprehensive Plan is adopted. She said copies of the staff recommendations would be provided to the LPA and said individual members are welcome to make comments but the BCC would not send the Economic Element back to the LPA. Brian Sheahan, AICP, Planning & Community Design Director, reiterated that staff would provide copies of the staff recommendations to the LPA but said the Economic Element had been previously approved by the LPA.

Ms. Belflower said she believed substantive changes would be recommended to the Economic Element and thought they could choose to review the element. Chairman Foley said the BCC's decision had been very firm on this issue.

There was brief discussion regarding the decision of the BCC to use the medium-low Bureau of Economic and Business Research (BEBR) population projections. There was brief discussion regarding the letter received from the Central Florida Mining Association. Ms. Belflower disputed the statement regarding staff's mining presentation and Mr. Sheahan added that members of the mining organization were present during the presentation and they were asked for their comments. Ms. Belflower said she would address incorrect statements in the letter.

Review of Future Land Use Element (FLUE)

The LPA reviewed Objective 7.13, Comprehensive Plan Amendment Standards of Review, edited the introductory paragraph removing the redundant language as shown on the monitor.

PUBLIC COMMENT

Bob Curry commented that the title referred to the entire Plan but the text only referred to the FLUM.

During discussion on the Super Majority Requirement policy, Tim Morris asked if they should be requiring super majority of the BCC. Both Michael Carey and Chairman Foley said they were not comfortable with that language. Other LPA members noted that some other jurisdictions require super majorities to amend the Comprehensive Plan and said the BCC had the option to approve this policy. There was discussion that this could prevent the Comprehensive Plan from being amended too frequently.

MOTION by Peggy Belflower, SECONDED by Vicki Zaneis to retain the policy titled Super Majority Requirement.

FOR: Schue, Belflower, Zaneis

ABSENT: Barrow, Godts, Kelly

AGAINST: Foley, Morris, Carey

MOTION FAILED: 3-3

In response to staff's question regarding the wording of the motion, Ms. Marsh said it was not necessary to re-vote, the motion failed and the language should be removed.

The LPA agreed by consensus with the edits to Policy 7.13.1, Framework for Review, as shown on the monitor.

Ms. Belflower asked if staff supported the super majority policy and Mr. Sheahan said that the Department of Community Affairs (DCA) saw super majority requirements as a way to provide a suitable alternative to the Home Town Democracy initiative.

PUBLIC COMMENT

Bob Curry suggested using “within” in Policy 7.13.2, because the policy addresses consistency.

There was a consensus of the LPA to retain “with” in the title of Policy 7.13.2, Mandatory Consistency with the Comprehensive Plan.

The LPA reviewed Policy 7.13.6, Standards of Review for Amending the Future Land Use Map. The LPA discussed the first bullet item which requires an affidavit stating the landowner supports the requested change. There was a consensus of the LPA with the bullet item regarding a conceptual site plan with FLUM amendments. The LPA agreed by consensus to change “traffic” to “transportation” in the next bullet item. The LPA agreed in the second to last bullet to require FLUM amendments for urban FLUCs to be contiguous to urban land uses. There was consensus of the LPA to add “FLUM” before “amendment” in several bullet items.

The LPA agreed to delete the language in Policy 7.11.1, Concurrency Requirements, because it was redundant with the Concurrency Element.

The LPA agreed with the suggestion to change the title of Policy 7.10.5 to “Efficient Provision of Services” and to edit the text as shown on the monitor.

The LPA agreed to change the title of Policy 7.10.4 to “Intergovernmental Agreements with Adjacent Jurisdictions” and to edit the text as shown on the monitor.

The LPA agreed to move “Public Facilities and Services” to become the objective preceding Objective 7.12, Public Facilities.

MOTION by Michael Carey, SECONDED by Tim Morris to accept Goal 7, Implementation as revised and shown on the monitor.

FOR: Foley, Schue, Carey, Belflower, Zaneis, Morris

ABSENT: Barrow, Godts, Kelly

AGAINST: None

MOTION PASSED: 6-0

The meeting reconvened at 10:37 a.m. after a short break.

The LPA reviewed Policy 3.3.7, Commercial Development within the Wekiva River Protection Area (WRPA), and agreed to strike item “A” , that the list in the following paragraph be bulleted, and to other edits as shown on the monitor.

The LPA agreed in Policy 1.3.1.4, Provisions for Commercial and Office Uses, to the edits in the first paragraph as shown on the monitor.

The LPA agreed to remove “and Corridors” from the title and the text of Policy 1.3.11.5.

The LPA reviewed Policy 2.1.4, Design Standards for the Mount Plymouth-Sorrento Main Street District Future Land Use Category, and agreed with the changes shown on the monitor, including removing the Impervious Surface Ratio (ISR) specific to this policy.

The LPA reviewed Policy 2.1.13, Transportation Analysis, and agreed to add “with completion of the Wekiva Parkway” because of the impact of transportation issues on this area, including the inadequate future capacity of SR 46 without the Wekiva Parkway. Ian McDonald, AICP, Chief Planner suggested adding language to allow for center turn lanes in order to facilitate traffic safety. The LPA agreed to change language to “road with two travel lanes.”

There was discussion regarding agriculture uses in designated urban areas and if agriculture uses should be allowed in all FLUCs. The LPA agreed with staff’s suggestion to add policy stating agriculture is an allowed use in all FLUCs.

PUBLIC COMMENT

Jon Pospisil voiced concern about the possibility of small infill areas becoming an intensive farming use, which could be adjacent to residential uses.

Mr. Sheahan said that concern could be addressed in the zoning regulations.

During discussion on draft language for this policy, Mr. McDonald said zoning could address scale and compatibility issues between agriculture and residential uses. Mr. Schue remained concerned about possible incompatible agricultural uses on conservation lands. Mr. Sheahan noted that conservation lands are a government use and they are good stewards of the land. The LPA discussed if agricultural uses should be added to the urban FLUCs or if it should be allowed in all FLUCs and if the zoning regulation could address compatibility issues. There was a consensus of the LPA to include policy language stating that agricultural uses are allowed in all FLUCs and to move bullet items from Green Swamp Ridge to this policy.

The meeting reconvened at 1:18 p.m. after a break for lunch.

The LPA reviewed the suggested language for Policy 1.2.7, Agricultural and Equestrian Uses and discussed agricultural uses within the Public Benefit Future Land Use Series.

MOTION by Michael Carey, SECONDED by Keith Schue to incorporate Policy 1.2.7, Agricultural and Equestrian Uses as shown on the monitor.

FOR: Foley, Schue, Carey, Belflower, Zaneis, Morris

ABSENT: Barrow, Godts, Kelly

AGAINST: None

MOTION PASSED: 6-0

The LPA continued to review the FLUE and agreed to remove “and mitigate” from the second bullet item under Policy 1.1.8, Adopt Land Use Regulations.

The LPA discussed Policy 1.2.2, Consistency between Future Land Use and Zoning. There was discussion regarding limiting the transfer of development rights (TDRs) to the WRPA. Mr. Sheahan said TDRs could possibly be allowed from the Rural Protection Areas (RPAs) to Urban areas. There was some concern that because sending/receiving areas are identified only in the Wekiva River Protection Area (WRPA) that a Comprehensive Plan amendment would be required. Mr. Sheahan said TDR programs could operate under the LDRs provided they were consistent with the intent of the Comprehensive Plan. The LPA agreed to the edits shown on the monitor, stating that the density and intensity of the FLUCs can not be exceeded and to delete the fourth sentence.

After some discussion, the LPA decided to continue the discussion regarding “commercially exploited” species to the next meeting.

The LPA discussed Objective 3.2, Future Land Use Categories within the WRPA and Wekiva Study Area (WSA), and agreed with the language shown on the monitor.

The LPA agreed to change Policy 3.3.30, Aviation Facilities within the Wekiva River Protection Area, to be consistent with the Green Swamp Area of Critical State Concern (GSACSC) aviation facilities.

There was discussion regarding extending the prohibition of spreading of wastewater residuals into the WSA. Mr. Morris noted that the area under discussion was a “study area” and that wastewater residuals were being used in agriculture and he didn’t want to see that taken away. Chairman Foley said it could be more organically preferable to commercial fertilizers. There was discussion regarding the value of this area to aquifer recharge. Mr. McDonald said he believed the Department of Environmental Protection (DEP) has best management practices for the spreading of sludge. He said he could do more research and added that sludge must be used as fertilizer. He said it can not be dumped. Mr. Schue wanted policy to prohibit this practice within the WRPA. Mr. Sheahan said these residuals have to be processed to a certain level before they can be land-applied. There was consensus that the spreading of waste water residuals shall be prohibited within the WRPA and to reserve a decision on the WSA until Mr. McDonald is able to provide additional information on this issue. Chairman Foley noted that the Sanitary Sewer Element policies prohibited the spreading of sludge in the WRPA, WSA and the GSACSC. Therefore the LPA agreed to include the WSA.

Mr. Schue asked about the legality of restricting religious uses as a Conditional Use in the GSACSC. Mr. Sheahan said religious uses can not be restricted more stringently than other uses with similar impact. The LPA agreed that religious institutions should be a general use in the GSACSC FLUCs. Ms. Marsh said the County would develop parameters for all uses, but regulations should not be based on specific uses.

During discussion regarding ‘civic uses,’ Mr. Sheahan said those are uses that do not fit into commercial, industrial or agricultural categories, such as post offices or fire stations. He suggested including civic uses in all the FLUCs, because the applicants are governmental agencies and subject to zoning regulations. The LPA agreed that civic uses should be a general use in the Urban FLUCs, the GSACSC Ridge FLUC, WRPA Receiving Area 2 FLUC and urban FLUCs within the Mt Plymouth-Sorrento Community planning area; and a conditional use in the rural FLUCs and remaining FLUCs.

There was discussion if a CUP should be required for daycare facilities. Mr. McDonald noted that zoning regulations could address many issues regarding daycare facilities. There was a consensus of the LPA that daycare facilities should be a general use in the Urban FLUCs, the Green Swamp Ridge FLUC, WRPA Receiving Area 2 FLUC and urban FLUCs within the Mount Plymouth-Sorrento Community planning area, ; and a conditional use in the rural FLUCs.

The LPA discussed the definition of group homes and it was noted that there is a statute definition for group homes and that they are regulated by the State. Mr. Morris voiced some concern that deviating from the State’s standards could create problems. Mr. Schue was concerned that group homes could be large enough that they would be incompatible with the surrounding uses. Mr. Sheahan emphasized that the court’s have ruled that if a group home functions as a residence then it must be treated as such.

In response to Mr. Carey’s question about the basis for the LPA’s decisions regarding conditional uses, Mr. Sheahan said conditional uses are those which are generally anticipated to have greater impact due to character, sensitivity, density or impact on surrounding properties.

There was discussion about requiring kennels to be indoors. Mr. Sheahan said this issue should be regulated in the LDRs. The LPA reviewed kennel uses within the FLUCs and there was a consensus of the LPA with the uses as shown on the monitor.

The meeting reconvened at 3:15 p.m. after a short break.

There was discussion regarding hunting and fishing camps, and the LPA agreed to allow “small scale hunting camps” in the rural FLUCs with the exception of the Rural Transition FLUC.

After some discussion regarding “guest cottage” uses, there was consensus to remove that term from the Comprehensive Plan.

There was discussion regarding consistency between the development design standards for the GSACSC and the WRPA and the WSA, and there was agreement of the LPA with the changes as shown on the monitor.

MOTION by Michael Carey, SECONDED by Peggy Belflower to schedule approval of the draft Future Land Use Element (FLUE), including the FLUE map series for the general public's review at the January 30, 2009 meeting.

FOR: Foley, Schue, Carey, Belflower, Zaneis, Morris

ABSENT: Barrow, Godts, Kelly

AGAINST: None

MOTION PASSED: 6-0

The Chair adjourned the meeting at 4:56 p.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary