

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

July 15, 2004

The Lake County Local Planning Agency met on Thursday, July 15, 2004 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 will consider comprehensive planning issues including amendments to Lake County's Comprehensive Plan.

Members Present:

| | |
|-----------------------------|-------------------------|
| David Jordan | District 1 |
| Dan Matthys | District 2 |
| Michael F. Carey | District 3 |
| Richard Dunkel | District 4 |
| Nadine Foley, Vice-Chairman | District 5 |
| Sean Parks | At-Large Representative |
| Keith Schue, Secretary | At-Large Representative |
| Barbara Newman, Chairman | At-Large Representative |

Absent:

| | |
|-------------|-----------------------------|
| Dennis Reid | School Board Representative |
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Staff Present:

Bill Neron, County Manager
Melanie Marsh, Assistant County Attorney
Amye King, AICP, Chief Planner, Comprehensive Planning Division
John Kruse, Senior Planner, Planning & Development Services Division
Jeff Richardson, AICP, Planning Manager, Planning & Development Services Division
Kitty Cooper, Director, Geographic Informational Services Division
Jim Dowling, Senior G.I.S. Analyst, Geographic Informational Services
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Thomas Wheeler, Comprehensive Planning Intern
Michael Wheeler, Comprehensive Planning Intern
Donna Bohrer, Office Associate III, Planning and Development Services/Comprehensive Planning Division

Barbara Newman, Chairman, called the meeting to order at 9:00 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Comprehensive Planning Division and that the meeting had been noticed pursuant to the Sunshine Statute.

Approval of the May 20, 2004 minutes was postponed to the August 19, 2004 meeting.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER II, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED DEFINITIONS; AMENDING CHAPTER XI, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED SIGNS; AMENDING SECTION 14.14.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED BUILDING AND SIGN PERMITS; CREATING SECTION 14.14.07, ENTITLED SIGN PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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OWNER: Anderson Columbia
AGENT: Bruce Duncan, Esq.

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John Kruse, Senior Planner, Planning and Development Services Division, introduced Jim Dowling from the Geographic Information Services (G.I.S.), who will be providing interactive maps today. Mr. Kruse also said Archie Lowery, Esq. would be representing Anderson Columbia. Mr. Kruse presented the case and the staff recommendation for denial. The recommendation of denial was based upon two issues. The first was the Comprehensive Plan requirement that this type of proposed use shall require central water and sewer, which this site lacks. Secondly, this application does not meet the location criteria because the site does not have direct access to an arterial roadway.

Archie Lowery stated this application was compatible with the Comprehensive Plan and would create no additional school impact. He said that the applicant and the engineer would address the remaining issues.

Jim Maples, President of A Materials Group, gave an overview of the project and a general explanation of the concrete batching process. He showed photographs of another facility and a site plan for this proposal. He stressed the attractiveness of their other sites, including the landscaping. He said the roads are sprayed to keep dust down, and the stormwater runoff is retained on site. They also reused other water where feasible. Mr. Maples said they have met with Lennar Homes to discuss how they would like to have the site landscaped and buffered. They have reached a mutual agreement on a landscaping plan and on the design of a sound suppression wall. The wall would be six to eight feet in height, with the planting of additional pine trees to visually block the batch plant. Mr. Maples added that the home sites located closest to the proposed site would not be built upon until at least 2007. This time period would allow more time for the maturing of the landscaping and trees.

Michael Carey asked about the height of the silos. Mr. Maples replied that the silos on this site would be low profile, about 20-22 feet. Mr. Carey pointed out that the silos were located close to the residential development. Mr. Maples said the homes would be 400-500 feet from the silos.

Nadine Foley asked about the size of the other batch plant sites shown in the photographs. Mr. Maples explained that the size of those sites varies from four to eight acres. Ms. Foley questioned whether the batch materials would have to be trucked in and stockpiled. Mr. Maples pointed out on the site plan where the materials would be stored on site and said the height would be approximately eight feet. Materials are brought in by dump truck and then a front-end loader is used to put them in the bins.

Keith Schue asked if Lennar Homes supported this project. Mr. Maples said they had been working together on appropriate landscaping and on the design of the sound

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suppression wall. Mr. Kruse commented that staff had received no written comment from Lennar Homes.

Mr. Schue asked about the aesthetics of the wall. Mr. Maples explained that the proposed wall would be very similar to the ones shown at their other sample site. Mr. Schue asked about the source of noise on the site. Mr. Maples explained that there would be a front-end loader and dump trucks. Sometimes it is necessary to accelerate the truck engines, and the sound wall would be modified in those areas. He said sound data estimates will be made available to Lennar. They have taken sound readings from the Turnpike, and the noise from this batch plant will be less than the noise generated by the Turnpike. Mr. Schue stated that the characteristics of noise, including frequency and duration, are factors that can be just as important as amplitude. Mr. Schue inquired about the hours of operation. Mr. Maples stated they would abide by the regulations; and during discussions with Lennar, they had agreed on a 6:00 to 6:30 start time. He added that some of the noise generators, such as deliveries, could be limited to certain hours. Mr. Schue asked if any of their other plants were located in close proximity to a residential area. Mr. Maples said there is another site where residences had been built close to one of their batch plants.

Sean Parks asked the direction of most of the traffic, Mr. Maples said most of the road access would be from the west toward Highway 27.

Richard Dunkel questioned the number of trips that would be generated, including deliveries. Mr. Maples said the plant would generate approximately 100 daily trips. Mr. Dunkel asked if the start time was actually when the first noise would be generated. Mr. Maple replied that start time would be when the first engine would be started. Mr. Dunkel then asked about the hours of operation for the dust catchers. Mr. Maples said the silo dust collectors and the central dust collector operate only when needed.

Ms. Foley asked about the number of employees at the site. Mr. Maples said about there would be about 12 employees, including the truck drivers.

Mike Springstead, Springstead Engineering, discussed what were considered to be the inconsistencies with the Comprehensive Plan. He said this site is only one-half mile from Highway 27, which is where the majority of the traffic would be coming from. He said it would be difficult to get closer to an arterial without being located in an industrial setting. This proposal does include an on-site well and septic tank. Wastewater issues will be addressed during the required permitting process with the Department of Environmental Protection (DEP). DEP has a specific permit application for concrete batch plants discharge. This permit also addresses how stormwater runoff is to be handled. Some wastewater would be generated when washing out the cement trucks; they would reuse that water as much as possible. There will be no industrial-type waste going into the

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septic system, only municipal-type waste. The owner would be willing and has actually planned for possible connection to central utilities. There are no wetlands on the site, nor is it located in a flood plain.

Mr. Schue asked about the wall and the buffering to O'Brien road. Mr. Springstead said there is a fifty-foot required setback from O'Brien Road, and his client would not object to appropriate buffering.

Mr. Dunkel asked Mr. Kruse about surrounding land uses and the proximity of the Chris Ford Commerce Park. Mr. Kruse said this site is adjacent to the Regional Commercial Center, which appears as a red dot on the future land use map.

Mr. Parks asked Mr. Kruse if the staff recommendation of denial was based on both the lack of central utilities and the lack of direct access to an arterial. Mr. Kruse confirmed that the denial was based solely on those two issues.

Mr. Carey said that he had a problem supporting this proposal because it does not meet the location criteria. He was also concerned about the close proximity to 900 homes.

Mr. Schue asked about a mining operation located close to this site. Mr. Kruse said there is a peat mining facility across O'Brien Road. Mining can only occur within the Rural future land use designation. Mr. Schue commented that this proposal would probably create less traffic impact than the motor vehicles from the 900 homes. He added that the adjoining residential community will have a golf course and probably a well on site for irrigation too. Mr. Schue said it looked like the County has made it easy to build houses and difficult to promote business opportunities but he also expressed concerns about the compatibility of this proposal with the adjacent residential use. Mr. Kruse reiterated that staff had received no letter of objection from Lennar Homes. Mr. Schue and Mr. Kruse discussed the suitability of an Employment Center designation.

Ms. Foley noted that this application would create employment opportunities. She said it would service the growth in that area, and it might even contribute to road safety by reducing the length of the concrete truck trips. Ms. Foley said she would prefer to see this project located in the Commerce Park. She further said that Mr. Maples had satisfied her earlier concerns about the size of the parcel.

David Jordan said economic issues were probably involved in the selection of this site as opposed to locating it in the Commerce Park. He pointed out that the gross vehicle weight of these trucks is very different from that of a car. He felt the proximity to residences was a moot point, he cited close proximity of Dura-Stress to the Mid-Florida Lakes community.

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Barbara Newman asked staff if the information presented today would in any way affect the recommendation. Mr. Kruse replied that it would not.

MOTION by Keith Schue, SECONDED by Sean Parks to approve SPLA #04/6/1-3.

Richard Partyra of Anderson-Columbia said Lennar had made the buffer recommendations. It is typical of what Lennar generally installs on their property, and he said that Anderson-Columbia will follow their recommendations.

Dan Matthys said that he could accept the transportation issues, but he really believed that industrial uses should be on central water and sewer. He would support this proposal if there were agreements for central water and sewer, perhaps through Lennar. This is an urban-type use; if utilities are available, then he felt that the development should connect to them.

Mr. Dunkel said he had a problem with the water district giving out consumptive use permits to unmetered facilities. He believed that if a project is able to use as much water it chooses, it would not be in the best interest of Lake County or Central Florida. He would like to see the project on central water as soon as possible. He added that there are other sites available that would have better transportation access.

Mr. Jordan felt there would be a traffic safety issue with this number of trucks making ingress/egress on O'Brien Road.

Mr. Schue said that the Comprehensive Plan should not be violated. However, Policy 1-1.14 said it was a guideline, which implied some flexibility.

When Mr. Parks asked Mr. Springstead about the anticipated average daily use of water, he said the water usage would be less than 100,000 gallons a day. Consumptive use permits are required for users of more than 100,000 gallons a day; this project would fall below that level. Mr. Schue pointed out that the same amount of water would be used regardless of the site location.

Mr. Springstead commented that he thought that there was no space available at the Chris Ford Commerce Park.

Mr. Schue asked about the intent of the Employment Center designation. Mr. Schue said he felt that an Employment Center was expected to serve a more regional purpose, such as an industrial park, and that a small five acre parcel did not appear to satisfy the intent of an Employment Center designation. Mr. Kruse stated that the Urban Land Use designation permits new industrial development without a Comprehensive Plan

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amendment, provided such development meets the location criteria for Employment Centers. This proposal does not meet the location criteria for Employment Centers. That is why they are here for an amendment to the Comprehensive Plan. Mr. Schue asked if the future land use designation was changed, would it be possible that the Zoning Board still not approve this specific use. Mr. Kruse responded that it was possible and that there are other permitted uses within an Employment Center.

Keith Schue stated that although the applicant appeared to be taking steps to mitigate neighboring impacts, he felt that the parcel did not meet the intent of an Employment Center designation and therefore could not support the request.

FOR: Parks

AGAINST: Newman, Foley, Schue, Carey, Dunkel, Matthys, Jordan

ABSENT: Reid

MOTION FAILED: 1-7

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Melanie Marsh, Assistant County Attorney, said this revision was recommended by the County Attorney's Office. The recommendation was based on two recent court decisions. These changes are needed to bring Lake County's Sign Ordinance into compliance with current case law. The main changes are in building permit time frames and additional provisions which allow the applicant to appeal those permits. Another change would allow non-commercial messages added to any commercial sign,. The minor changes are to bring the Ordinance into conformance with the remainder of the Code. In addition, the County Attorney's Office will also be making changes to address zoning denials, time frames, and allow the right for appellant review of zoning permit denials. In Sections 14.14.3 and 14.14.4, the reference to County Manager or designee should be changed to building official.

Keith Schue said that he understood the reason for these changes. He asked if there was a provision to prohibit truly malicious messages. Ms. Marsh said that the County couldn't make a decision on what is or is not malicious.

Michael Carey said he would be in favor of these changes because they are aimed at adjusting the Ordinance to comply with judicial decisions.

Richard Dunkel asked about annexations of land on which signs are located and if the municipal sign ordinances conformed to the County. Ms. Marsh said each municipality has a sign ordinance; however, she didn't think any of the municipalities were currently rewriting their ordinances. Mr. Dunkel asked about the joint planning area agreements and sign ordinances. Amye King said only the Clermont Joint Planning Area (JPA) Agreement has been adopted and that this issue has not come up in discussions with Clermont.

Mr. Schue asked about campaign signs and their size. Ms. Marsh said these changes would provide for consistency throughout the Ordinance.

MOTION by Michael Carey, SECONDED by Dan Matthys to approve the ordinance as presented.

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FOR: Newman, Foley, Schue, Carey, Parks, Dunkel, Matthys, Jordan

AGAINST: None

ABSENT: Reid

MOTION CARRIED: 8-0

CASE NO: LPA 04/5/4-1
OWNER: Coca-Cola, DBA TTMC
AGENT:

Amye King, Chief Planner, stated that the applicant has requested a continuance until the first amendment cycle in 2005.

MOTION by Michael Carey, SECONDED by Keith Schue to postpone to the first cycle of 2005.

FOR: Newman, Foley, Schue, Carey, Parks, Dunkel, Matthys, Jordan
AGAINST: None
ABSENT: Reid
MOTION CARRIED: 8-0

At this time the Local Planning Agency took a 5-minute break.

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OWNER: Edward Vrablik

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AGENT: Tim Green, AICP, Green Consulting Group, Inc.

The meeting reconvened after a short break.

John Kruse, Senior Planner, presented the case and recommendation of denial. Mr. Kruse said this project does not meet timeliness, is premature and would constitute urban sprawl. The applicant prepared a timeliness study, based on a two-mile radius of the subject parcel. It showed only 37.2% of the upland area was developed. A 60% development threshold is required to meet timeliness. Staff conducted their own timeliness study that showed 20.38% developed.

The Urban Area Residential Point System was also used in this analysis. Although not all the points can be verified now, staff calculated the points in case the application was approved. The agent came up with an accumulated point total of 110 points. Staff used the same point system and their total was 70 points.

David Jordan said if this project didn't meet timeliness under Suburban, and was changed to Urban Expansion, it would circumvent the Comprehensive Plan. Mr. Kruse pointed out that in order for a project to be considered timely, it must have a 60% or greater percentage of the land developed within a two-mile radius. Timeliness is not required for the Urban Expansion designation. Keith Schue stated that timeliness was a good test for urban sprawl.

Tim Green, AICP, Green Consulting Group, Inc. said he would be representing Edward Vrablik. He introduced Frank Gammon, Senior Vice President of Banyan Homes. Mr. Green said this application had been filed in January and scheduled for May 20. It was then continued to June 17 and July 15. However, the staff report has remained unchanged since the first scheduled hearing. Mr. Green submitted a copy of the staff report with his additional comments included, which can be found at the end of the minutes for this case. He talked about timeliness being required for Suburban but not for Urban Expansion, even if the site meets the Urban Area Residential Density Chart in both cases. He said that he felt the Residential Density Chart was a better method of evaluating the site.

Mr. Green pointed out an adjacent 102-acre site owned by Mr. Vrablik that currently had the Urban land use designation. If rezoned it could be approved for 714 residential units. The 355 acres under consideration today with its current land use would allow for one unit per five acres for a total of 71 dwelling units. The combined sites with the current land use designations would allow 785 dwelling units. The applicant is proposing a Planned Unit Development (PUD), with a total of 650 dwelling units. Mr. Green said this PUD would be a logical extension of the Employment Center Land Use category in which the Chris Ford Commerce Park is located. Mr. Green listed the Urban Area Residential Density chart factors he felt could be awarded to this proposed project. Those included points for proximity to the Commercial Activity Center, and the Employment

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AGENT: Tim Green, AICP

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Center, access to an arterial, availability of central water and sewer, availability of reuse water, affordable housing, innovative design and the use of land that had been previously altered. According to his calculations of 110 points, the site would support 10 dwelling units per acre. The discrepancy between the two different charts is the 30 points for affordable housing. Even with only the 70 points in the County's total, six-dwellings units per acre would be allowed. Urban Expansion allows four-dwelling units per acre.

Two additional points added by Mr. Green were based on the Evaluation and Appraisal Report (EAR) in regards to Suburban land use. These two items are addressed on the final two pages of the attached staff report.

Mr. Gammon said it was through his involvement with the Industrial Development Authority that he became aware of the need for affordable, non-age restricted housing. He stated that the proximity to the Commerce Park and a large development by Lennar makes this application consistent with the surrounding area.

Richard Dunkel asked Mr. Green if they were going to blend densities on this project. Mr. Green said this project would probably have a maximum of less than 700 homes. Mr. Dunkel asked if they would be able to maintain a density of one dwelling unit per five acres. He also asked about the topography of the site and if it would be possible to save the hilltops. Mr. Green said he doubted that they could be saved because of the amount of wetlands. Mr. Dunkel commented that many rooftops would be visible. Mr. Green replied that as the vegetation matures, there would be fewer rooftops visible. It was stated that the project located with surrounding undeveloped wetlands serving as open space would be an example of New Urbanism.

Mr. Jordan noted the timeliness analysis in both calculations were still below the threshold. Mr. Green pointed out that there is a 955-unit subdivision within the 2-mile radius. He said that as it is built out, the timeliness numbers for this parcel would improve. He admitted it would still fall short of the minimum requirement. Mr. Jordan said this application had asked them to overlook the timeliness requirement of the Comprehensive Plan in favor of other indicators. Mr. Green said because the Urban Density Residential system is more site specific, it is a better urban indicator than timeliness. Mr. Jordan referred to item 8 that stated "the tax dollars generated for this development will help offset the cost....for this development".

Dan Matthys asked about two small areas of land not included in this application. Mr. Green said Mr. Gammon was attempting to purchase those parcels. Mr. Matthys asked what was the total maximum number of units allowed for both parcels. Mr. Green responded that the absolute maximum would be 2134. Mr. Gammon said the actual total would be 650 homes or less; because of site requirements, and that the homes would be clustered. The gross yield would be 1.3 units to the acre.

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OWNER: Edward Vrablik
AGENT: Tim Green, AICP

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Keith Schue said in New Urbanism design open space is expected to include upland areas for parks rather than only wetlands that not suitable for development anyway. He said it was difficult to make a decision on this proposal without knowing the build out figures for the Commerce Center and the need ratio between residential and employment. Mr. Gammon said it might be possible to extrapolate the number of future employees based on the current number compared to the occupied space. Mr. Kruse said staff had not addressed that issue. Mr. Green referred back to his earlier comments in the staff report about the EAR (paragraph under letter "J").

Egor Emory asked why the adjacent urban development was being discussed rather than the property in question, whether this would be a PUD, whether the open space would be functional to the public, and what were the impacts on the single transportation corridor, Highway 27. He said he would like to see the EAR process move forward before changing future land use.

Kathleen Thomas, Director for Planning Program Evaluation and Accountability of Lake County Schools, said that the School Board's recommendation and projections were based on a maximum of 1420 dwelling units. According to the student generation ratio, this development would add approximately 724 new students. This increase in students would cost the school district approximately \$11.6 million for student stations. Impact fees would generate only \$4.9 million, which would leave a \$6.6 million deficiency. At the time these figures were calculated, the School Board staff was unaware of the willingness of the developer to pay the \$2,000 Gap Fee. Their recommendation is that this application not be approved.

Mr. Green explained that the PUD was not before this Agency because of the separation of the Zoning Board and the Local Planning Agency. He said he would have preferred to have the applications tied together, but that only future land use can be addressed at this time. This project will have 39% open space, which is above the required 25% in PUDs. The traffic study provided to staff shows that the current Level of Service on Highway 27 would be maintained.

Nadine Foley said the estimated number of dwelling units would be reduced because only about 215 acres could be developed.

Michael Carey asked Dr. Thomas about student cost calculations. Dr. Thomas said the School Board used the Cost Per Student Station number from the Department of Education.

Mr. Dunkel said this project was a good thing because it would provide housing close to employment opportunities. He also said one of the suggestions in the EAR was to drop the Suburban Land Use designation. If the EAR process was moved up, it would make

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OWNER: Edward Vrablik
AGENT: Tim Green, AICP

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this decision easier. Ms. King said the EAR evaluated the 1991 Comprehensive Plan, which was based on 1980 census data; consequently, the EAR is also out-of-date. She added that staff will update the Data, Inventory and Analysis (DIA) and then proceed with the Comprehensive Plan update. When the DIA is updated, the Local Planning Agency will then be able to make a recommendation on the Suburban Land Use Designation.

MOTION by Keith Schue, SECONDED by Nadine Foley to deny LPA # 04/5/5-3.

Sean Parks said he supported staff’s timeliness study. He reminded everyone that residential areas are generally “tax dollar sinks”. The burden of proving economic benefit lies with the applicant. He added that New Urbanism generally includes commercial on site.

Mr. Jordan said he believed the issues raised by the applicant in regard to the EAR should be addressed in a more comprehensive review.

Ms. Foley said the current Comprehensive Plan must be followed. The whole issue is timeliness, and the only reason for this application was to avoid that issue.

Mr. Schue expressed concern that this future land use change request was being considered in a piece-meal fashion along with other requests in the same area along the Turnpike between the Highway 19 and 27 crossings. He said the area should be studied further to determine the appropriate ratio between residential and employment. Mr. Schue suggested that the county may find that an expanded regional employment center along the Turnpike would be of greater benefit to county.

Mr. Dunkel said he thought the proximity to the Commerce Center and the big red dot of Regional Commercial would create a need for residential housing. He said he felt that this project made sense and would be good economics.

It was the opinion of Mr. Carey that timeliness is a critical factor, and this proposal was immature.

FOR: Newman, Foley, Schue, Carey, Parks, Matthys, Jordan

AGAINST: Dunkel

ABSENT: Reid

MOTION CARRIED: 7-1

CASE NO: LPA 04/5/1-4
OWNER: MerryGro Farms
AGENT: Cecilia Bonifay, Esq.

MOTION by Sean Parks, **SECONDED** by Nadine Foley to postpone LPA 04/5/1-4 until the first amendment cycle of 2005.

FOR: Newman, Foley, Schue, Carey, Parks, Dunkel, Matthys, Jordan

AGAINST: None

ABSENT: Reid

MOTION CARRIED: 8-0

CASE NO: LPA #04/5/3T (Text Amendment)

AGENT: Greg Beliveau, Urban regional Planners, Inc.

MOTION by Michael Carey, SECONDED by David Jordan to postpone LPA #04/5/3T until the first amendment cycle of 2005.

FOR: Newman, Foley, Schue, Carey, Parks, Dunkel, Matthys, Jordan

AGAINST: None

ABSENT: Reid

MOTION CARRIED: 8-0

The meeting adjourned for lunch.

CASE NO: LPA 04/5/2-2
OWNER: Hart Family, LLC
AGENT: Greg Beliveau

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The Local Planning Agency reconvened at 1:05 after the lunch break.

Supplemental written comments from Dr. Kathleen Thomas, Director for Planning Program Evaluation and Accountability of Lake County Schools, were given to the LPA. Dr. Thomas was unable to attend the afternoon LPA meeting.

Amye King, Chief Planner, and John Kruse, Senior Planner, presented the case and the staff recommendation for approval. Lake Utilities Services, Inc. has provided a letter to the applicant stating that they have capacity to serve this development. However, written consent from the City of Clermont will be required before services can be provided. Lassiter Transportation Group, Inc. has completed a traffic analysis study concluding that with the exception of SR 50 between Hancock Road and the Orange County line, roads would operate within the adopted level of service. This segment of SR 50 is currently the subject of a Department of Transportation (DOT) study. Mr. Kruse confirmed that the LPA had received written comments from the School Board. He said the subject parcel is contiguous to the City of Clermont on three sides. Staff received a letter from the City of Clermont, stating that adjacent properties seeking Future Land Use Designation change should be annexed into the City. The County cannot require annexation.

Greg Beliveau appeared on behalf of Steven Richey. He explained that this property is not in violation of any urban sprawl requirements of the Department of Community Affairs (DCA). This parcel is surrounded on three sides by the City, Urban Expansion on two-sides and Rural to the east. Mr. Beliveau showed an aerial of the surrounding area. He said they would be meeting with the owners of the adjacent sand mine prior to the rezoning request. It is their intent to install appropriate buffers to reduce the impact from this development on the sand mine.

Mr. Beliveau noted that this proposal is actually at a lesser density than the surrounding developments. He stated that the density proposed on this site would serve as a transition.

Mr. Beliveau said the Educational Foundation of Florida, Inc. had received approval from the School Board to locate a charter school on this site. They plan to construct a 750-seat elementary school and a 700-seat middle school, which will exceed the student impact of this development.

Mr. Beliveau said he understood that the lack of specificity available to the Local Planning Agency makes the process more difficult. More specific information should be available when this project reaches the Zoning Board.

Mr. Beliveau added that this site would be consistent with the growth in the area and would be a natural progression.

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OWNER: Hart Family, LLC
AGENT: Greg Beliveau

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Mr. Beliveau said the remaining issue is the utilities. Clermont is the utility provider in this area. The applicant believes the City has capacity to serve, but the City had stated that the applicant had to annex. The applicants do not wish to annex. The applicant contacted the only other provider in that area, Lake Utilities Services, Inc. That utility has capacity but cannot provide utilities unless the City of Clermont releases them to do so. If the City will not allow the utility to provide services and the applicant will not annex, the only alternative may be through court. The applicant would like to work this out in a way that is agreeable to everyone.

Sean Parks asked about the earlier reference Mr. Beliveau made to this site being the "hole in the doughnut". Mr. Beliveau explained that the site is adjacent to the City on three sides. Two-sides are Urban Expansion in unincorporated Lake County. The sand mine on the remaining side is Rural with a commercial use. That leaves this project in the middle.

Keith Schue asked to see the Future Land Use layer placed over the map. He said the school issue has been somewhat mitigated. He asked if the elementary school would be on this site. Mr. Beliveau said the elementary school would be built first, then the secondary school. Mr. Schue referred to the written comments from Dr. Thomas and asked if the School Board is now in support of this project. He pointed out that the most recent comments from Dr. Thomas only refer to an elementary charter school and do not state that the School Board has changed its position of opposition to the development. He asked about the size of the school sites. Mr. Beliveau explained that charter schools do not have the same site size obligation as the Lake County School System. The minimum lot size for a public school is set by the Lake County School Board. Mr. Schue questioned if the school sites would impact the number of homes that would be built. Mr. Beliveau said it would depend on the zoning case. If this goes forward as a PUD, there would be no effect; but if it is a straight rezoning, it would mean a reduction in the number of homes.

Mr. John VanderLey, Educational Foundation of Florida, Inc., said they hold a charter for Lake County. He gave some background about the Educational Foundation of Florida, Inc. He said Jim Polk with Lake County schools reviewed the site, and they are willing to bus children to the school. Their goal is to have a school constructed by August of 2005.

Mr. Schue questioned if impact fees would be sufficient to build this charter school. Mr. VanderLey said they receive the per student funds instead of the Lake County School Board receiving them. There are also Charter School Capital Funds from Tallahassee so these schools will create no impact on the amount of impact fees assessed or to school taxes collected.

Michael Carey said this seems like a good fit for the present land use. The fact that the

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AGENT: Greg Beliveau

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school is located in this subdivision allays many of his concerns, and he is very comfortable with this request.

Because the charter school's capacity will exceed what is projected for this development, David Jordan asked if children from other areas would be eligible to attend. Mr. VanderLey explained that charter schools are schools of choice, and the School Board will help them achieve full enrollment.

Nadine Foley asked if they would stop accepting students when capacity is reached. Mr. VanderLey said charters are only for a specific size school so portables cannot be added. Ms. Foley asked about the size of the site required for the schools. Mr. VanderLey explained that they would require ten to twelve acres for both the elementary and middle schools. He said that lot size is within the guidelines set up by the State.

Mr. Parks asked if the charter schools were being built because of this proposed development and if the decision made on this application would affect their plans. Mr. VanderLey said they must have full capacity in order to make it economically feasible. The School Board has asked them to focus on this area. They have unsuccessfully looked for other sites in the area. Mr. Parks asked if their contract for this site was contingent upon this decision. Mr. VanderLey said they were concerned about having their building on site by a year from August.

Dan Matthys asked why the applicant did not want to annex into the City. Mr. Beliveau said the applicant would prefer to stay in the County. He stated that the applicant is willing to abide by the strictest regulations; and by the time this project is ready to proceed the Joint Land Development Regulations (LDRs) should be adopted.

Mr. Schue asked about the other reasons for their refusal to annex. Dale Ladd said he would prefer to keep the decision making with the County. In this instance, he is more familiar with the County Code as it relates to Planned Unit Developments (PUDs). Mr. Ladd said he had met with the City, and they do have capacity to serve this development. If the City won't supply utilities, there is another supplier who is able and willing to provide services. Mr. Ladd said until the land use and zoning are in place, there is no point in completing the negotiations on the utility issue. He felt that the City may be using this development to pressure the County.

When Richard Dunkel asked about future annexation of this project, Mr. Ladd said it would probably be annexed in the future.

Mr. Schue asked if a land use change would be giving the developer an upper hand and more or less compelling the city to annex. Mr. Ladd said that no one compels the city to do anything.

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Egor Emory spoke on behalf of the Lake County Conservation Council. He referred to the Clermont Joint Planning Area (JPA) Agreement with regard to cooperation between the parties and that developments within the JPA should be consistent with the City regulations. He voiced concern that the intent of this JPA Agreement to control growth problems would be lost. He felt that the County should not be allowing urban development and that developers benefit by conflicts between the County and cities.

Anne Wettstein Griffin spoke as a representative of the Lake County Water Authority. She read a letter into the record, stressing impacts of development on water resources and the aquifer, a copy of which is attached to the minutes.

Wayne Saunders, Clermont City Manager, said the City Council sent a letter in March recommending that no land use changes in the JPA be approved until the Joint LDRs and the JPA land use map are adopted. It is their position that without the JPA land use map, nothing should be changed. Mr. Saunders stated that time needs to be taken to adequately plan. He pointed out inconsistencies with the City of Clermont regarding the applicant's statement about the densities in the adjoining properties, indicating that actual densities were lower than the applicant's request

Mr. Schue asked Mr. Saunders if he had any suggestions on how to address the issue of timing. Mr. Saunders said it was his understanding during negotiations that the JPA Agreement would include language describing when it would be appropriate for Rural property to change to Urban Expansion.

Mr. Jordan asked if the City would be willing to annex this property if the applicant was agreeable. Mr. Saunders said that it would be evaluated. Mr. Jordan then asked if the lack of Joint LDRs would delay the annexation and Mr. Saunders replied that it would not.

Mr. Parks told Mr. Saunders that Lake County would soon begin to revise the Comprehensive Plan.

Elaine Rennick, City of Clermont Councilwoman, pointed out that it was County approval of land use changes that created the surrounding developments.

Dan Matthys left the meeting.

Mr. Beliveau said that if the County intended not to approve any land use changes in the Clermont JPA, then the County needed to go through the proper process. He stated that the applicant would be seeking water from either of two providers whose Consumptive Use Permits were already approved. He said the City's future land use map shows a higher density than what was built on the adjoining properties. The land use change they

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are requesting is consistent with the surrounding properties.

Mr. Dunkel questioned the process that Mr. Beliveau referred to. He replied it was the moratorium process. Melanie Marsh, Assistant County Attorney, explained that although there isn't a specific statute, there is a process defined by case law.

MOTION by Michael Carey, SECONDED by David Jordan to approve LPA 04/5/2-2.

Mr. Parks said he didn't like having to approve this land use change to get a charter school that everyone agreed is needed. He said that he is still concerned about the lack of joint LDRs, and he believed that Suburban is a more appropriate land use designation.

Mr. Carey said he didn't feel that the failure to approve this case would preclude the establishment of a charter school in this area.

Mr. Schue expressed his continuing concern over the lack of the joint LDRs which are required by the Clermont JPA. He felt that the Local Planning Agency needed to take a strong stand and follow through on the JPA before supporting future land use changes in the area.

Barbara Newman said she believed the charter school was an asset. She added that these cases should be reviewed with the rules and regulations that are in place at the current time. Mr. Jordan was in agreement with her.

Mr. Parks said he agreed with Mr. Saunders that this amendment might be okay in the future but not until there was an agreement on the joint LDRs.

Mr. Schue said the JPA is part of the rules and regulations that they were expected to be following. He added that the charter schools would solve only part of the capacity issue, since no solution was being offered for inadequate high school capacity.

Mr. Dunkel felt they should continue to follow the current rules until the parties come to an agreement.

Ms. Foley said that holding up this application would not be fair, and this development would not be urban sprawl.

FOR: Newman, Foley, Carey, Dunkel, Jordan

AGAINST: Schue, Parks

ABSENT: **Reid, Matthys**

MOTION CARRIED: **5-2**

CASE NO: LPA 03/8/3-3
OWNER: 2001-27, LLC
AGENT: Tim Green, AICP, Green Consulting Group, Inc.

John Kruse, Senior Planner, presented the staff report with a recommendation of approval. Mr. Kruse explained that a second parcel, consisting of 80 acres owned by George Corbett, had been added to the original application. This application is to change the Suburban and Rural designations to Urban Expansion and to create a Community Activity Center overlay at the intersection of the Florida Turnpike and US 27. The Lake County School Board submitted a recommendation based on a residential use.

David Jordan asked if the School Board’s request to add language prohibiting residential uses was possible. Mr. Kruse said conditions such as that could only be made during the zoning process.

Tim Green, who was present to represent the owner, outlined the history of this project.

Keith Schue asked what type of commercial would be located on this site. Mr. Green said he thought there would be a service station, a grocery store and possibly office space. Mr. Schue asked if that would include all the corners, and Mr. Green responded that the Northeast corner would be difficult to develop. He said that perhaps the Department of Transportation (DOT) could use that site for storm water retention. Mr. Schue asked if there was any intention to include residential on these properties. Mr. Green answered that there was not.

MOTION by Michael Carey, SECONDED by Sean Parks to approve LPA 03/8/3-3.

Mr. Parks said this was a good location for the commercial overlay. Although residential seems unlikely now, in the future with a New Urbanism Design project, residential could be added.

Mr. Schue said he could support it because it did not include residential. He asked if the uplands area outside of the Community Activity Center depicted in the staff report could be developed as commercial under the Urban Expansion land use designation. Mr. Kruse responded yes because that particular parcel was included in the legal description of the property that is part of the Employment Center.

FOR: Newman, Foley, Carey, Dunkel, Jordan, Schue, Parks

AGAINST: None

ABSENT: Reid, Matthys

MOTION CARRIED: 7-0

Mr. Schue said when he visited the site there was a substantial gopher tortoise population on the northeast and northwest parcels and that he wanted to make sure that the owner was aware of it. Mr Schue submitted a letter and digital photographs documenting his observations. He requested that this information be included in the official file so that county staff can verify that proper permits are obtained and exercised.

Richard Dunkel inquired about the status of the joint Land Development Regulations with the City of Clermont. Amye King, Chief Planner, said several issues have come up including a deficiency within the Sign Ordinance of Clermont. She and Jeff Richardson, Planning Manager had met with the City of Clermont staff and requested an estimate of population projections in the Joint Planning Area (JPA). Lake County Staff will provide an update of that discussion at the August meeting. Mr. Dunkel asked for an estimate of the time needed to complete this project. Ms. King responded that a month or two should be enough time on the staff level. Mr. Schue asked if the JPA wording in regard to adhering to the City standards would make this easier. Ms. King replied that the County's regulations in some instances were stricter than the City. In cases where the City regulations are less stringent, it is intended for the City to update their regulations. Where the City is more stringent, it is intended for the County to adopt joint land development regulations in the JPA. She stated that there may be differences in opinion regarding which regulations are stronger.

Ms. King updated the Local Planning Agency about upcoming planning functions.

The meeting adjourned at 2:00 p.m.

Donna R. Bohrer
Comprehensive Planning

Keith Schue
Secretary