

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

SEPTEMBER 15, 2005

The Lake County Local Planning Agency met on Thursday, SEPTEMBER 15, 2005 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.

Members Present:

David Jordan	District 1
Michael F. Carey	District 3
Nadine Foley, Vice-Chairman	District 5
Sean Parks	At-Large Representative
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Becky Elswick	School Board Representative

Members Absent

Anne Dupee	District 2
Richard Dunkel	District 4

Staff Present:

Gregg Welstead, Deputy County Manager; Interim Director, Growth Management Department
Melanie Marsh, Assistant County Attorney
Amye King, AICP, Planning Manager, Comprehensive Planning Division
Jeff Richardson, AICP, Planning Manager, Planning & Development Services Division
Fred Schneider, Director of Engineering, Public Works
Terrie Diesbourg, Director, Customer Service Division
Anita Greiner, Senior Planner, Customer Service Division
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Shannon Suffron, Senior Planner, Comprehensive Planning Division
Donna Bohrer, Office Associate III, Planning & Development Services 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.

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MOTION by Michael Carey, SECONDED by Nadine Foley to approve the June 6, 2005 minutes as presented.

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

ABSENT: Dunkel, Dupee

AGAINST: None

PASSED: 7-0

Election of Officers

Chairman Newman said the election of officers was past due and opened the floor to nominations.

David Jordan was very satisfied with the current officers and said he was in favor of continuing with the same officers.

MOTION by David Jordan, SECONDED by Michael Carey to nominate Barbara Newman as Chairman, Nadine Foley as Vice-Chairman and Keith Schue as Secretary.

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

ABSENT: Dunkel, Dupee

AGAINST: None

PASSED: 7-0

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.18.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PUBLIC HEARINGS; REQUIRING DEVELOPMENT AGREEMENTS TO BE HEARD BY THE LOCAL PLANNING AGENCY RATHER THAN THE ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Melanie Marsh, Assistant County Attorney explained that this Ordinance would bring the County Code into conformance with the State Statutes, which specifically requires development agreements to be heard by the Local Planning Agency (LPA). She explained that when the Zoning Board and the LPA had been separated into two boards this reference had not been changed.

MOTION by Michael Carey, SECONDED by David Jordan to approve an ORDINANCE AMENDING SECTION 14.18.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, REQUIRING DEVELOPMENT AGREEMENTS TO BE HEARD BY THE LOCAL PLANNING AGENCY AS PRESENTED BY STAFF.

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

ABSENT: Dunkel, Dupee

AGAINST: None

PASSED: 7-0

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.11.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED MINOR LOT SPLITS; AMENDING SECTION 14.11.02, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED FAMILY DENSITY EXCEPTIONS; AMENDING SECTION 14.11.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED AGRICULTURAL LOT SPLITS; PROHIBITING THE CREATION OF A LOT WHOLLY IN THE 100 YEAR FLOOD ZONE; REQUIRING A CREATED LOT TO BE 21,780 SQUARE FEET IF SERVICED BY PRIVATE WELL AND AT LEAST 10,890 SQUARE FEET IF SERVICED BY SEPTIC TANK; LIMITING THE SIZE OF A PARCEL CREATED THROUGH A FAMILY DENSITY EXCEPTION TO NO SMALLER THAN FIVE ACRES, WITH ONE ACRE OF UPLANDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Terrie Diesbourg, Director Customer Services explained that historically the County has not allowed lot splits in flood zones. However, this prohibition is not specifically included in the Land Development Regulations (LDRs) and a developer recently insisted on creating a lot split in a flood plain.

In response to a question from Nadine Foley, Ms. Diesbourg said an acre of uplands was required.

Ms. Diesbourg added that the lot sizes in the proposed ordinance would bring the County's rules for septic tanks into compliance with the Department of Health (DOH).

Mr. Carey commented that these two changes were a reflection of what is currently being done in the County.

Ms. Diesbourg said the requirement in a Family Density Exemption (FDE) would change from one acre of uplands to a minimum of five (5) acres with an acre of uplands. This is the same as will be proposed in the new Comprehensive Plan. She said the number of requests for these lot splits have increased with people selling the created lot after the 5-year waiting period.

For the purpose of discussion Mr. Jordan suggested eliminating the FDE or increasing the time limit to ten or fifteen years. He said he understood this was one way for more affordable housing to be available and it could help to keep families together.

Sean Parks wondered if eliminating the FDE would create a rush to do lot splits.

Ms. Diesbourg said there has been one-acre lot splits being done in five acre subdivisions and in some cases, the adjoining landowners do object to the increased density.

Mr. Carey said he would support increasing the time frame to ten years.

In response to a question from Keith Schue, Ms. Diesbourg explained that the time frame restriction referred to was the amount of time before the created lot could be sold. He was concerned that these lot splits could increase density to a level not compatible with the Future Land Use Map (FLUM) and thought the allowance for FDE was very broad. Ms. Diesbourg said the intention had been to allow these lot splits only in rural areas. Ms. Diesbourg said staff would like the other permitted land uses eliminated through this ordinance.

In response to a property rights question from Mr. Schue, Melanie Marsh, Assistant County Attorney, said there were no vested rights in zoning and she did not see a problem with these proposed changes.

Mr. Jordan and Mr. Parks agreed it was difficult to decide between the increase in density and being able to help someone in financial need.

Becky Elswick was concerned about the original intention behind FDEs and wondered if a 10-year time restriction would be long enough to deter speculation. In response to a question from Ms. Elswick, Ms. Diesbourg said the newly created lot must be built on within one year or it has to qualify for agricultural exemption.

Ms. Diesbourg suggested a one-month continuance.

Ms. Foley suggested a more detailed review and to make it as consistent with the new FLUM as possible. She said the original intent was to help people on family farms, however times have changed. She thought a family lot split should be restricted to Rural and agreed with extending the time frame.

Mr. Jordan suggested a 5-acre minimum to deter speculation.

Mr. Schue was concerned that any action taken should be legally defensible. He would like more time to think about this.

Anita Greiner, Senior Planner, explained that minor lot splits are limited by the LDRs, which say the character of the subdivision can't be changed. She added that Minor Lot Splits can only be done on legally recognized lots.

Mr. Carey said if there was to be a continuance the discussion should be continued too.

Ms. Diesbourg asked how the LPA would like to have this presented when it is returned to the agenda.

Mr. Jordan was concerned that increasing densities would conflict with the FLUM and the family issues.

Ms. Marsh said the current Comprehensive Plan requires a FDE so there will have to be a provision for it in the LDRs.

Mr. Parks said he would be interested in how many of these lot splits have been done.

Ms. Diesbourg said staff was most concerned with prohibiting the creation of lots located wholly in the flood plain. Ms. Marsh said if the LPA was concerned with FDEs, it might be best to let the new Comprehensive Plan resolve the issue.

Ms. Elswick felt the only justification for FDEs should be for affordable housing to care for a family member and asked if FDEs could be addressed in the Housing Element.

Mr. Schue thought including FDEs in affordable housing could encourage even more lot splits and he said conditions have changed since this provision was written.

Ms. Diesbourg said frequently people ask if lots can be split before they are purchased.

Mr. Carey said the LPA was close to agreeing to eliminate lots wholly in the flood plain and FDEs in urban and suburban areas.

Mr. Jordan felt accessory dwellings should also be re-considered and any provision that increases density.

There was discussion regarding partial approval.

Mr. Schue said the minimum lot size for septic systems might not be consistent with other regulations and the position of the LPA not to support septic tanks at a density greater than 1 dwelling unit per acre.

Public Comment

Rob Kelly suggested making this ordinance consistent with the new Comprehensive Plan.

Robert Curry, Lake County Conservation Council said FDEs had been used to subvert the sending area restriction in the Wekiva River Protection Area. He thought FDEs should be further restricted in certain areas of the County.

Mr. Schue suggested Minor Lot Splits should also be considered for elimination.

MOTION by Nadine Foley, SECONDED by Michael Carey to approve an ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.11.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED MINOR

LOT SPLITS; AMENDING SECTION 14.11.02, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED FAMILY DENSITY EXCEPTIONS; AMENDING SECTION 14.11.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED AGRICULTURAL LOT SPLITS; PROHIBITING THE CREATION OF A LOT WHOLLY IN THE 100 YEAR FLOOD ZONE; REQUIRING A CREATED LOT TO BE 21,780 SQUARE FEET IF SERVICED BY PRIVATE WELL AND AT LEAST 10,890 SQUARE FEET IF SERVICED BY SEPTIC TANK; LIMITING THE SIZE OF A PARCEL CREATED THROUGH A FAMILY DENSITY EXCEPTION TO NO SMALLER THAN FIVE ACRES, WITH ONE ACRE OF UPLANDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

ABSENT: Dunkel, Dupee

AGAINST: None

PASSED: 7-0

In response to a question from Ms. Diesbourg, Mr. Jordan suggested providing information on any other LDR provisions that increase densities.

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OWNER: Lake County Gateway, LLC

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ATTORNEY: Cecelia Bonifay, Akerman Senterfitt, P.A.

Alfredo Massa, Senior Planner Comprehensive Planning, explained this is a Future Land Use Map Amendment (FLUM) from Urban Expansion with Employment Center and Commercial Overlay, to Urban Expansion with Regional Commercial and Public Resource Land Overlay. The proposed Plaza Collina Development of Regional Impact (DRI) is located North of S.R. 50 and comprises 142 acres. It is located within the Joint Planning Area (JPA) of Clermont.

Staff recommended denial, stating this application would change the future land use from light industrial/manufacturing to commercial development with 1,200,000 square feet of commercial uses and 200 residential units.

Mr. Massa said the application was inconsistent with the surrounding land uses. Those uses include a proposed auto dealership, vacant land, citrus groves, residential, gravel pit, self-storage, some light industrial and a greenhouse.

The majority of the lands along the northern and southern borders of the site are classified as residential and residential professional mixed use on the Clermont JPA Future Land Use Map.

Mr. Massa said this application was inconsistent with the Comprehensive Plan for several reasons. The applicant has proposed 10 acres for conservation and 132 acres for commercial. The minimum open space requirement is 20% of the total development.

Mr. Massa said this application is inconsistent with policy 1-13.2, which addresses facilities. Lake County Public Works' primary issue was the implementation of mitigation measures concurrent with this project. The Lake-Sumter Metropolitan Planning Organization (LSMPO) was concerned about the potential impacts to the surrounding transportation system. The Lake County School Board said this proposal could add 82 new students to the area schools, which are already over or nearly over capacity. Mr. Massa said several other reviewing agencies had no objection to this proposal. The City of Clermont stated there was capacity to serve the project. Mr. Massa said this proposal was inconsistent with Policy 1-1.12, Maintenance of Internal Consistency because not all facilities are available to serve this project.

Mr. Massa said this proposal is consistent with Policy 1-1.13, Land Use Density; Intensity Standards and 1-3A.1, Commercial Development in Land Use Classifications, Policy 7-7.7, Conservation Land Designation, and Objective 1-1, Planning for Residential Quality and Neighborhood Cohesiveness.

He said the staff report includes detailed comments from the reviewing agencies, including the School Board and the Environmental Services Department.

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In conclusion, Mr. Massa explained that comments from the East Central Florida Regional Planning Council (ECFRPC) did not arrive until late the day before and he would not review them now. He added that the ECFRPC did not recommend against this project.

David Jordan asked how many homes could be built under the current zoning. Mr. Massa explained this request wouldn't change the Urban Expansion designation, it would only increase the amount of commercial.

Keith Schue asked if residential would be allowed in Urban Expansion, or would it be precluded by the overlay. Mr. Massa did not think this request would increase the number of residential units.

Mr. Carey said more homes could be built on the site with the current zoning.

Mr. Schue asked if the zoning overlay would preclude residential uses, Mr. Massa replied that it would not. Amye King, Planning Manager, said the current zoning would allow over 500 homes.

Cecelia Bonifay, Attorney Akerman, Senterfitt, said the DRI process is set up to review a plan in it's entirety. She said the issue to be addressed today is an amendment to the Future Land Use Map.

Ron Manley, Vice-President Planning, Canin Associates, said this would be a phased mixed-use project; he described the current land uses and the overlay. Mr. Manley emphasized that the current regulations would allow up to 4.3 million square feet of mixed commercial and industrial uses and 42 to 530 residential units. Instead, they are proposing 1.2 million feet of mixed commercial uses and 200 residential units, which may be condominiums. Although they recognize the school impact, he said that impact would not occur until the second phase. He added that concurrency would have to be met and they realized some conditions would have to be met. Mr. Manley discussed the tax revenue that would be generated by this project. He realized the impacts from this project would have to be addressed, but he said this is a reasonable and appropriate use of this site.

Sean Parks said in general this use would be better than houses. In response to a question from Mr. Parks, Mr. Manley said a charette had been held a year ago.

Mr. Parks was concerned about impacts to the scenic road, Old Highway 50. Mr. Manley said they were aware of those concerns and added they would provide right-of-way (ROW) for a trail connection. He said the primary entrance would be on Hwy. 50. Mr. Parks was concerned about the visual impact from the scenic highway. Mr. Manley said

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the topography may help; they would retain as much of the native vegetation as possible and the back area could be landscaped.

Mr. Parks wanted to address the Sheriff's concerns. Ms. Bonifay said the Sheriff's letter indicated that with adequate funding from the Board of County Commissioners, they would be able to serve this project. Ms. Bonifay said the Sheriff had requested a storefront presence and she would discuss that request with the developer.

When Keith Schue asked if there was a picture of the proposed site plan, Mr. Manley said one is not required at this time because this is a request to change the land use. Mr. Schue said there was a consensus to emphasize open space and the recommendation for denial is partially based on the failure of this project to meet the open space requirements. Mr. Schue referred to the aerial photograph and the vegetation currently on the site. Mr. Manley said the 20% open space requirement would be met. Mr. Schue thought it should be part of the application.

Mr. Schue and Mr. Massa discussed the comments received from the other reviewing agencies, including those from Environmental Services regarding wetland protection and stormwater issues.

Ms. King corrected an earlier statement and said the number of potential residences would be difficult to determine because of the number of overlays.

Ms. King said this application was for a Future Land Use Map Amendment therefore some of the questions being asked today would be answered during the DRI process.

Ms. King said the comments by other agencies are part of the reason for the staff recommendation of denial.

Mr. Parks thought the buffering along the scenic highway was a very important issue. Mr. Manley said those concerns could not be addressed until there was a site plan. He said they were very aware of the concerns about the scenic highway and the trail. They also discussed that age restricted housing would have no impact on the schools.

Mr. Jordan asked if the residential could be eliminated. Mr. Manley thought the LPA could recommend no residential without amending the application.

Michael Carey said the questions have been too focused on detail. The LPA is not a Planning and Zoning Board; they should focus on the appropriate land use. Mr. Carey asked about Clermont's position. Mr. Manley said Clermont's comments and concerns had been received and they intend to address their concerns. He added that they would be meeting with the ECFRPC the next day.

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Nadine Foley commented that this property is subject to the Lake Apopka Design Standards. She said she was inclined to support this application. However, she did not want to see the Urban Expansion removed because of the advantages of locating residential near to employment opportunities.

Becky Elswick said this project was located near her residence and asked if she should recuse herself. Melanie Marsh, Assistant County Attorney said, as long as Ms. Elswick would not receive a financial benefit or loss, it would not be necessary to recuse herself.

Ms. Elswick commented on the financial benefits of commercial development to the school system.

In response to a question from Mr. Parks, Turget Dervish, Traffic Planning and Design, Inc., said there would be access from Old Hwy. 50. Mr. Parks thought there should not be access from on Old Hwy. 50. He was concerned about adverse impacts to the LOS and the buffer area. Mr. Dervish discussed the reasons for access from Old Hwy. 50. Mr. Parks said he would like to have the opinion of staff on an entrance other than the one from Lake Boulevard. Fred Schneider, Director of Engineering, said in his opinion, access from Old Hwy 50 is the most efficient and safest way to handle additional traffic. Mr. Parks asked if he thought that would encourage use of Old Hwy. 50 as an alternative to Hwy. 50, Mr. Schneider said it would be used as an alternative in any case.

Darrin Grey, Assistant City Manager for Clermont, said the City was not opposed to this application. However, the City has requested a traffic study for this area. Clermont is concerned with the overcrowded schools and has suggested an office park in lieu of the residential component. Mr. Gray said the applicant is aware the project will have to conform to the JPA's LDRs. He added that the City would continue to attend meetings on this DRI and to offer their comments.

Cindy Barrow, Voters Organization Involved in Children's Education (VOICE), said the 200 proposed residential units would be an increase in density. She said the middle schools in the area are so over-crowded that double sessions may be necessary. She said the only objection VOICE has to this application is the school impact.

Rob Kelly, Citizen's Coalition of Lake County, was concerned with the trail, the scenic roadway, the school impact, and the unanswered questions. He would prefer all the traffic be directed onto Hwy. 50.

Cecelia Bonifay repeated that the only issue today was the land use change. The remaining will be addressed later. She said some recommendations could be forwarded to the BCC. She said the open space requirements would be met and the Applicant will be working with the ECFRPC.

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Ms. Bonifay said they would be willing to meet and review materials submitted independent of this application; they do not want to further delay this project. She asked for a recommendation today.

MOTION by Michael Carey, SECONDED by Nadine Foley to approve LPA #08/5/1-2, Plaza Collina Development of Regional Impact.

Mr. Jordan was concerned about the discrepancy regarding the potential number of residential units. He said the currently allowed commercial uses could be worse than the uses proposed in this application.

Mr. Schue wanted to know if this was an increase in the amount of residential allowed. He was concerned about the scenic roadway, impact on the wetlands, wetland buffers and recharge issues.

Ms. King said the best estimate of the residential currently allowed is between 150 and 200 units.

Jeff Richardson, Planning Manager, said the open space requirement would be addressed in the local development order. County staff will continue to be involved in this project. He discussed the wetlands setback and the variable upland buffer that will be required. He said there would be a 50' wetlands setback for all structures and pavement, plus a minimum 25' upland buffer. He explained these comments were based on the LDRs requirements. He said the recommendations from Water Resources would be carried forward to public meetings for this project.

Chairman Newman said these concerns would be addressed as the process moved forward. Mr. Richardson said the issues would be addressed in either the regional or the local development orders.

In response to questions from Mr. Jordan, Mr. Manley said the number of residences could be as low as 42 or as high as 530 depending on the urban densities. He said, Mr. Richardson referred to what could be done currently and it is difficult to be exact about the size of that area. Mr. Jordan asked how many acres were in Urban Expansion. Mr. Manley said there were 10.5 acres in that designation. Mr. Richardson explained some Urban Expansion was included in the Community Commercial.

Ms. King and Mr. Jordan discussed some of the residential issues. Chairman Newman said a continuance might be necessary to resolve this issue.

Ms. Bonifay said a LPA recommendation in favor of the Land Use change with a

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recommendation for no residential units would be acceptable to her client.

Mr. Parks asked if language could be added such as “no significant impacts to the topography, vegetation along the scenic 50 corridor”.

Michael Carey withdrew his motion and Nadine Foley withdrew her second.

MOTION by David Jordan, SECONDED by Sean Parks to approve LPA #08/5/1-2, Plaza Collina Development of Regional Impact without any residential components, with good stewardship of the scenic highway corridor and the comments of the City of Clermont.

In response to questions from Mr. Schue, Ms. Marsh said this motion was acceptable. Mr. Schue asked if the recommendations could be conditional. Ms. Marsh said legally this would be viewed as a recommendation for approval with additional recommendations included. Mr. Schue wanted to be sure the record reflects the recommendations. He wanted to add the following “the hardwood conifer community identified on the site would be substantially protected as part of the buffer” to the motion.

Ms. Foley said she was not against the intent of the application, however, she could not support the motion in this form.

Chairman Newman didn't think it was appropriate to attach all these recommendations. She said staff had assured them that their issues would be addressed as the project moved through the DRI process.

Mr. Parks didn't agree the motion was too specific. He was comfortable with removing the residential and protecting the scenic highway corridor and the applicant agreed.

Gregg Welstead, Interim Director of Growth Management, said the question was whether or not the land use was appropriate, which the motion addresses. He thought the recommendations would be part of the discussion and the motion was appropriate.

Ms. Foley and Mr. Jordan discussed the motion. As a point of clarification, Ms. King added that the underlying land use could not be removed but the LPA could make recommendations on the residential. Mr. Jordan said the LPA was a recommending board and they were making recommendations.

Ms. Marsh said the LPA can vote to either approve or deny and they can request the minutes be sent to the BCC.

Mr. Schue did not believe the BCC would read this detailed discussion and he thought the

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motion should reflect their concerns.

Mr. Carey said if this was the way the LPA was going to work then the applicants would have to provide details on future DRIs. He didn't believe applicants would be willing to do that and then have to change the plans as they went through the remainder of the DRI process. Mr. Carey thought the LPA should establish what their role was.

Chairman Newman asked if Mr. Jordan wanted to amend his motion and Mr. Jordan said he did not.

FOR: Newman, Parks, Jordan, Elswick

ABSENT: Dunkel, Dupee,

AGAINST: Foley, Carey, Schue

PASSED: 4-3

There was a five (5) minute break.

Ms. King explained that Fred Schneider, Engineering Director would be discussing a Developers Agreement between the Villages of Lake/Sumter and the Board of County Commissioners (BCC). She said the LPA may have received a copy of this agreement by mail.

Fred Schneider discussed some of the issues regarding CR 466. He said the County wanted to have the Villages of Lake/Sumter assume part of the cost of widening CR 466; particularly east from the Sumter/Lake County line to Rolling Acres Road. The next mile would be funded by the BCC. He said paperwork had been provided to the LPA.

Chairman Newman and several of the other LPA members stated they had not been provided copies of the agreement and it was not on the agenda.

Motion by Sean Parks, SECONDED by Becky Elswick to postpone the Developers Agreement with the Villages of Lake/Sumter for one month.

FOR: Newman, Parks, Elswick, Foley, Carey, Schue

ABSENT: Dunkel, Dupee,

AGAINST: Jordan

PASSED: 6-1

LPA adjourned one hour for lunch.

Future Land Use Element

Ms. King said this was the first time the Goals, Objectives and Policies (GOPs) had been distributed. Because comments had been received from Mr. Schue, she would start with those comments.

In response to a question from Ms. Elswick, Ms. King said schools would be addressed in the Future Land Use policies. She explained Lake County would be part of a pilot program on school issues including concurrency, capital facilities and intergovernmental coordination. Ms. King said co-location of facilities would be addressed in the interlocal agreement, or it could also be included within an element.

Ms. King said the Wekiva and Green Swamp policies are not changing. Those policies will remain as they are in the Comprehensive Plan. Mr. Schue had suggested policies for the Ocala Forest, or to have a range of objectives for the Wekiva/Ocala. She asked the LPA for their opinion, stating staff had no objection. There was a consensus by the LPA to have policy written for the Ocala Forest. After some discussion it was decided to structure goals for the Wekiva/Ocala and then objectives for the Wekiva Connection, the Wekiva River Protection Area and the Wekiva Study Area.

Another suggestion was that the Wekiva Study Area and the Wekiva River Protection Area have specific land use strategies for both areas with the same level of content. Ms. King said the consultants were reviewing the Wekiva Study Area legislation and the LPA would receive those comments when they were available.

Chairman Newman said when the consultant's comments were received, that would be the appropriate time to suggest changes. If comments were made before that time, there would be duplication of work.

Mr. Schue provided the LPA with copies of the DCA document titled "Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area pursuant to the Wekiva Parkway and Protection Act" available from the DCA website.

The next topic was the prohibition of schools in the Wekiva River Protection Area and the possibility that there might be a need for a school in addition to the Seminole Springs school. Mr. Schue asked if the Comprehensive Plan already had such a policy.

Robert Curry, Lake County Conservation Council, said there is policy in the current Comprehensive Plan entitled, Expansion of Public Facilities and Services within the Wekiva River Protection Area (Policy 1-20.2).

Mr. Schue suggested development should be focused in the designated receiving areas of the Wekiva. He said schools could possibly be located in those areas, particularly elementary schools because their size is smaller than middle or high schools.

There was a consensus of the LPA to consider locating elementary schools in the

receiving areas of the Wekiva.

Ms. King explained some Green Swamp policies had not been included and that would be corrected.

There was a consensus by the LPA to include schools in public facilities in the Green Swamp.

In Objective 1.10, Mr. Schue suggested a reference to the JPA be included. Ms. King said there would be policy for each adopted JPA and a single policy to address the JPAs that have not yet been adopted. Ms. King explained that the Capital Improvement Element (ICE) was updated annually and that any recently adopted JPAs would be included.

Mr. Schue suggested the language previously used in Objective 1.9 be included in Objective 1.11.

Mr. Schue suggested adopting urban/rural boundaries to protect rural lifestyles in identified areas of Lake County, similar to Seminole County. Ms. King said staff would investigate that suggestion. Mr. Schue thought policies such as those would help explain the reasons behind the FLU designations. Ms. King said staff thought the JPAs would address that issue. She added that Lake County is not an utility provider as Seminole County is. Ms. Foley said she would like to address this issue within the Rural Land Use map series. She thought that would address the same issues as rural boundaries. Mr. Schue thought defined rural boundaries would further support the FLUM.

Mr. Jordan asked if Transfer of Development Rights (TDRs) would be appropriate for inclusion in this element and if TDRs would address the same issue as the rural boundaries. Ms. King said she had recently met with a representative from the Rural Stewardship Program. She thought that program could be very successful in Lake County. Additionally, an incentive had been added by the State, that counties with Rural Stewardship programs would be exempt from the DRI process. She said staff would like to create an overlay to support that program for certain areas of the County. Mr. Jordan expressed his interest in this program. Ms. King said the one drawback was that changes in agriculture might adversely affect the environmental benefits of designated agricultural uses. She said not all agricultural practices are environmentally friendly. Mr. Schue suggested the use of conservation easements that could include a list of the permitted agricultural uses.

When Rob Kelly asked what had been decided on policy 1.11, Ms. King said it was decided to use the same language as in the prior objective.

Ms. King said Mr. Evans of the Rural Lands Stewardship Program will be addressing the BCC and the LPA members are invited to attend.

Ms. King said staff would rely on the advice of the County Attorney Office on Objective

1.16, Dispute Resolution.

Ms. King said staff would review Mr. Schue's comments on Objective 1.17, Environmental Considerations. She added that staff would be consulting with Water Resources on an objective relating to lakes and lakeshores.

Ms. King said the Industrial Development Agency (IDA) is working on the Economic Development Element. The Economic Development Council (EDC) will also be working on the Economic Element.

Ms. King said Commercial and Industrial Activities, and Public and Institutional Facilities, would be addressed under the same designations as they were previously.

Ms. King explained that the Optional Land Use Designation would allow the LPA or the BCC to suggest a land use designation different from the one requested by the applicant during hearings on Comprehensive Plan amendments.

Ms. King said staff concurred with the suggestion to include definitions of the Green Swamp and the different Wekiva areas with the other land use definitions.

Ms. King said staff had been working with the Green Mountain Scenic Byway Committee and they have made suggestions based on their Corridor Management Plan (CMP). Although those suggestions are more directed at the LDRs, staff will be sure Comprehensive Plan policies are written to support those regulations.

Rob Kelly was concerned that the Optional Land Use Designations not have an adverse effect on the County. There was some discussion on this option. Mr. Welstead explained the LPA would be able to suggest a rural land use if they thought it was more appropriate than the requested urban land use. Mr. Schue said his understanding of the legal opinion on this issue is that the land use suggested by the governing body must be less intense because of requirements to notify the public regarding land use changes. Mr. Jordan suggested changing the method, or the advertising language, to address that concern.

Robert Curry, Lake County Conservation Council, suggested including the Wild and Scenic River Act regulations in the policies for the Wekiva River.

Ms. Foley suggested, Objective 1.1-2 Specific Area Plans, could include that information, enumerate other specific area plans and have language to include the possibility of other area plans in the future.

Mr. Schue asked how Traditional Neighborhood Design (TND) would fit into land uses. Ms. King said TNDs would be in urban areas, however, some existing DRIs would qualify as TNDs. Mr. Schue thought if TNDs were allowed in either future land use map series, it could confuse the distinction between urban and rural. Ms. King said defining areas such as the Four Corners would be challenging.

Kitty Cooper, Director Geographic Information Systems (GIS), showed a presentation on the process being used to create the FLUM. She said the Green Swamp and the Wekiva River Protection Area land use designations would remain the same. Ms. Cooper said the layers used in this map would be consistently maintained. Ms. King said map layers such as annexation and the public lands would be constantly updated. There was discussion about the interaction between the Existing Land Use Map (ELUM) and the FLUM. In response to a comment from Mr. Schue, Ms. King said if the conservation easements could be identified, they could be added to the map.

Greg Beliveau, Land Planning Group, said he believed Claude Smoak had a database containing the conservation easements purchased by the State within the Green Swamp.

Mr. Schue said wetlands are a limiting factor and Ms. King said wetlands would be included on the ELUM.

Robert Curry said the State had recently added to the conservation easements in the Wekiva area.

Greg Beliveau cautioned that the greatest impact on the net versus gross occurs in the rural areas and it could adversely affect the benefits of clustering. Ms. King said she had received comments from several sources on this issue and added that this was intended only for discussion at this point.

Public Facilities Element.

Ms. Hardy said comments from Mr. Schue had been received too late for her review or for her to make comments. It was decided to postpone this discussion until a later time.

Chairman Newman said it was important to get material to staff in time for a proper review before the meetings. There was discussion about having enough review time for everyone.

Ms. Hardy said when she reviews materials on these topics she must keep in mind the regulations and requirements of the SJRWMD. She said they could discuss any of the material except for the newest comments submitted by Mr. Schue. Ms. Hardy explained that she would prefer to discuss the suggestions of Mr. Schue with the SJRWMD before offering her comments on such sensitive issues as springsheds and aquifer recharge.

Mr. Schue said a collaborative process was important when considering the special environmental resource areas such as the Wekiva and the Green Swamp.

Chairman Newman agreed everyone needs to work together but when staff is uncomfortable discussing something at that particular time, the LPA needs to respect that.

Ms. Suffron said the drafts include comments from the LPA, public meetings, workshops, county staff and the County Attorney.

Mr. Schue said he thought this would not be discussed now. Ms. Foley said there has been enough time to review materials from staff, but not enough time to review Mr. Schue's comments. She said she would like to have the opportunity to review the materials. After some discussion, Ms. King said those comments had been posted on the County's website the prior day. Mr. Schue said his written comments were items he wanted to discuss that day. Chairman Newman said staff should make their presentation, and if there is material staff doesn't feel comfortable discussing, that material will be continued.

After some additional discussion, Ms. Hardy suggested all the comments could be reviewed at the same time, at a later date.

Ms. Foley said she had some simple questions she would like answered on Sanitary Sewer. Mr. Carey said he would complete his review and make comments at a later date.

It was decided to have Ms. Suffron follow the original order.

Aquifer Recharge

Ms. Suffron said staff would answer any questions on this sub-element.

Ms. Foley suggested how Policy 1.1-12 could be written more clearly, including the separation of definitions.

In response to a question from Mr. Carey, Ms. Suffron explained some of the different terms being used instead of Xeriscape, which has been trademarked. Mr. Carey suggested shortening 1.1-16 by ending with "code provisions" but leaving the numbered statements. Mr. Schue said aquifer recharge should not be superceded by things such as parking.

Ms. Marsh said it had been recommended to staff that care be taken so the LDRs not 'govern' the Comprehensive Plan. She said this would probably have to be re-written because the LDRs seem to take precedence over the Comprehensive Plan. She said there was also a similar problem with the golf course ordinance material. She further explained the difficulty arose because changes in the LDR would change the Comprehensive Plan.

Ms. King suggested discussing those policies where disagreement remained. In Aquifer Recharge, Mr. Schue said in the Wekiva area he thought the term "significant recharge" should be defined as it applies to the County's Blue Belt provision. He thought Lake County's average recharge rate intended to implement the Blue Belt law should not be considered a threshold for the Wekiva. He said the term "most effective recharge" as defined in the SJRWMD rules would be most appropriate for the Wekiva area because it would be consistent across County lines. He felt "most effective recharge" defined by the SJRWMD is unique to the Wekiva area because not all ecosystems were the same and the policies should reflect those differences.

Chairman Newman thought this should be discussed later, after the LPA had time to review this material.

Ms. Hardy said that many of these Wekiva policies should be in the LDRs, not the Comprehensive Plan. Ms. Hardy said extra care should be taken so any changes in protected areas would not necessitate the rewriting of these Comprehensive Plan policies. Ms. Hardy would prefer to discuss these policies after she was able to consult with the SJRWMD.

Mr. Carey agreed totally with Ms. Hardy that the objectives in the Comprehensive Plan should be general and written so they do not have to be frequently revised.

Ms. Hardy said she would prefer not to attend every LPA meeting to discuss more changes.

Mr. Schue referred to the extensive effort made by the State and local governments to create legislation to protect the Wekiva area.

Ms. Foley thought referencing the current Wekiva legislation would be sufficient.

Mr. Schue said the legislation requires policies but it does not give details and he did not believe general policies referencing the legislation would be adequate. He said because the Wekiva area is multi-jurisdictional area, there would have to be State oversight. Mr. Schue said the State does not review the LDRs, only the Comprehensive Plan and he thought more detailed policies were necessary.

Chairman Newman asked the LPA if they wanted to continue forward. Mr. Jordan thought it was important to focus on the essentials, to get that written down and then to move on. He felt presentations of voluminous amounts of information was frustrating and overwhelming. Mr. Schue understood and said he was striving to find the best way to communicate his comments as he did not want to give the impression he was writing the Comprehensive Plan; he included the rationale behind his suggestions. Chairman Newman was concerned that Mr. Schue felt he had to explain his comments in addition to providing written comments. Mr. Carey said he respected Mr. Schue's knowledge and input, however, he didn't believe it was necessary for staff to present Mr. Schue's comments verbatim to the LPA. He felt staff should include the comments they felt were pertinent and the remainder should be brought to the LPA. Mr. Schue said he was dedicated to sending the best Comprehensive Plan possible to the DCA and he did not want the Plan to be found non-compliant over these Wekiva issues. Chairman Newman said it was important to work together as a team.

Ms. King said these elements had been sent to the consultants for their preliminary review. Chairman Newman said Ms. King would judge when it would be appropriate to bring this material back to the LPA. Ms. King said the debate on the level of specificity of the Comprehensive Plan would have to be addressed.

Ms. Foley suggested a description accompany materials e-mailed to the LPA members so it is clear which version they were receiving. Ms. King said all drafts have been put on the website with the date and that should help to confirm which copy is the most recent. Ms. King said staff also found this process of continuous revisions difficult.

Public Comment

Bernie Yokel, Ph.D. said he didn't think the environmental resources of the County should be generalized. He thought attention should be focused on those special areas and that should be included in the Comprehensive Plan. Mr. Yokel said he would like to see more of the environmental community present for these discussions.

Ms. King said three (3) workshops would be scheduled in October. Chairman Newman said she had been asked for time to be reserved for the LPA to have a discussion on procedures.

Greg Beliveau, Land Planning Group (LPG), said statutory and rule requirements could not be ignored. Mr. Beliveau said it was important for staff and the County Attorney's office to give direction on the amount of detail necessary in the Comprehensive Plan. Otherwise, when the State changes the rules, the Comprehensive Plan would have to be amended. He also said that DCA would be reviewing these policies before they are officially adopted.

Ms. King reminded the LPA to be aware of Senate Bill 360, because Lake County is a pilot County for school concurrency.

Chairman Newman said she wanted it put in the record that the LPA appreciated the hard work and the efforts of Ms. Amelyn Regis on the Comprehensive Plan. In addition she noted that Ms. Regis would be missed.

The Chair adjourned the meeting at 3:20 p.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary