

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
OCTOBER 26, 2007**

The Lake County Local Planning Agency met on OCTOBER 26, 2007 at 9:00 a.m. in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan and the Land Development Regulations.

Members Present:

David Jordan, Vice-Chairman	District 1
Michael F. Carey	District 3
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Cindy Barrow	School Board Representative

Members Absent:

Sean Parks	At-Large Representative
Peggy Belflower	District 4
Rob Kelly	District 2

Staff Present:

LeChea Parson, Assistant County Attorney
Brian T. Sheahan, AICP, Planning Director, Planning & Community Design
Alfredo Massa, Senior Planner, Planning & Community Design
Terrie Diesbourg, Zoning Director
Francis Franco, Senior Project Manager, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:07 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Planning and Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

TABLE OF CONTENTS

<u>AGENDA ITEM:</u>	<u>AGENDA DESCRIPTION</u>	<u>PAGE NO.</u>
A.	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER V-A ENTITLED NECESSARY PUBLIC SERVICES AND FACILITIES, SECTION 5A.01.02 ENTITLED APPLICABILITY, TO EXTEND THE EXPIRATION DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.	3
B.	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 3.01.02(A) LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED CLASSIFICATION OF USES, TO CHANGE THE MINIMUM WIDTH FOR SINGLE FAMILY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.	4
C.	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.01.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED GENERAL STANDARDS AND REQUIREMENTS, TO LIMIT THE SIZE OF ACCESSORY STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.	6
	Landowner's Requests	8

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER V-A ENTITLED NECESSARY PUBLIC SERVICES AND FACILITIES, SECTION 5A.01.02 ENTITLED APPLICABILITY, TO EXTEND THE EXPIRATION DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Lechea Parson, Assistant County Attorney, explained that this proposed Ordinance would extend the expiration date for the School Concurrency Ordinance to ensure the necessary Comprehensive Plan elements are implemented.

MOTION by Michael Carey, SECONDED by David Jordan to transmit the School Concurrency Ordinance extending the expiration date to the Board of County Commissioners with a recommendation of approval.

FOR: Foley, Carey, Barrow, Jordan, Zaneis
ABSENT: Parks, Belflower, Kelly, Schue
AGAINST: None
MOTION PASSED: 5-0

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 3.01.02(A) LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED CLASSIFICATION OF USES, TO CHANGE THE MINIMUM WIDTH FOR SINGLE FAMILY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Terrie Diesbourg, Zoning Director, said this ordinance would change the minimum width for single family dwellings from 23'6" to 23'4". Ms. Diesbourg said that local mobile home dealers had requested this change to accommodate newer, less expensive mobile homes and that this was the only change to Section 3.01.02(A) of the Land Development Regulations (LDRs).

MOTION by Michael Carey, SECONDED by Cindy Barrow to transmit the Ordinance amending Section 3.01.02(A) of the Land Development Regulations regarding the Minimum Width for Single Family Dwelling Units to the Board of County Commissioners with a recommendation of approval.

Vicki Zaneis said this minimum width could prohibit the construction of some single family residences and noted that mobile homes do not appreciate in value. She stated this prohibits the building of "shotgun" houses which can be affordable housing, that are generally twelve feet wide and can be enlarged. She wanted to make it more affordable for people to move out of mobile homes.

Ms. Diesbourg said that single wide mobile homes are only allowed in mobile home parks and double wide mobile homes are not prohibited within any of the zoning districts. She said this would not apply to attached-homes and said she understood the affordable housing issue raised by Ms. Zaneis. Ms. Zaneis thought it was strange to have an ordinance driven by mobile home size. Ms. Diesbourg said the Florida Statutes require the County to allow mobile homes in all residential areas, although she understood the issue raised by Ms. Zaneis. Ms. Parson cautioned changes here could affect other parts of the LDRs. Mr. Sheahan said this language would affect only this subsection. Michael Carey noted that single wide mobile homes would only be located in areas specifically zoned for them and didn't see this as a big issue. Ms. Diesbourg said the variance process could be available to accommodate housing that did not meet the minimum width requirement. David Jordan commented that Lake County does not treat mobile homes differently and that the overall philosophical discussion regarding minimum width should be an agenda item for future discussion. There was discussion that the variance process and the Planned Unit Development (PUD) process could address some of these issues.

Keith Schue arrived at 9:25 a.m.

There was discussion that this issue should be addressed when the LDRs were re-written, after the Comprehensive Plan was adopted and to restrict the discussion to the motion. Ms. Diesbourg was concerned about unforeseen consequences if the language was changed at this point and making changes piecemeal.

MOTION to call the question by Cindy Barrow, SECONDED by David Jordan.

FOR: Foley, Schue, Carey, Barrow, Jordan, Zaneis

ABSENT: Parks, Belflower, Kelly

AGAINST: None

MOTION PASSED: 6-0

Vote on motion.

FOR: Foley, Schue, Carey, Barrow, Jordan

ABSENT: Parks, Belflower, Kelly

AGAINST: Zaneis

MOTION PASSED: 5-1

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.01.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED GENERAL STANDARDS AND REQUIREMENTS, TO LIMIT THE SIZE OF ACCESSORY STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Terrie Diesbourg, Zoning Director, explained that under the current regulations, the size of accessory structures was limited only by the impervious ratio and said large accessory structures exceeding the size of the primary dwelling can be built. Staff was proposing that the size of accessory structures should not exceed that of the ground floor of the residence, defined as the air conditioned, enclosed area. She said this restriction would not apply to agriculturally zoned property.

Keith Schue said Lake County had a lot of land with agricultural zoning that was residential. There was discussion about the lot size. Ms. Diesbourg suggested the variance process could help address the issue of structure size because adjoining neighbors would be notified of the pending request. Vicki Zaneis suggested adding “non-habitable.” Ms. Diesbourg said these structures cannot be used as residences and that this Ordinance would not apply to accessory dwellings.

MOTION by David Jordan, SECONDED by Cindy Barrow to transmit the Ordinance for Accessory Structure Size amending Section 10.01.01 of the Land Development Regulations to the Board of County Commissioners with a recommendation for approval with a change in the lot size from five acres to three acres.

Ms. Zaneis said she would like additional restrictions such as height, roof pitch, set backs and road access particularly in regards to corner lots. Mr. Schue suggested limiting the size. Cindy Barrow thought a percentage would address the issue of proportion between the primary and accessory structures.

MOTION Amended by David Jordan, SECONDED by Cindy Barrow that the size of accessory structures should not exceed fifty percent of the size of the ground floor of the primary structure.

Mr. Sheahan discussed some issues that could arise from this amendment and said this is a community character issue. Ms. Diesbourg said if property owners had to apply for a variance, the neighbors would have an opportunity to make their feelings known. Mr. Carey said some people do not want to be critical of their neighbors or to create a problem. There was discussion about how building height was calculated and if it should be related to the height of the residence or a set height. Mr. Sheahan suggested a specific height limitation in order to avoid potential problems with changes in grade on the property. He said “parcel of land” had been defined as “see lot.” There was general agreement to use the word “lot.”

MOTION Amended by David Jordan, SECONDED by Cindy Barrow to include a

height restriction of twenty-five feet for accessory structures.

Ms. Diesbourg said in order to address the issue of setbacks that other areas of the LDRs would have to be reviewed and amended.

PUBLIC COMMENT

Jon Pospisil thought they had made good progress on this issue and said anyone using their property for agriculture were probably on lots larger than three acres. He discussed basing these regulations on urban and rural areas and he supported the use of the variance process to address those incidences when residents requested larger accessory structures.

There was general discussion on the variance procedure. Mr. Carey commented that agricultural zoned parcels of five acres would be exempt from this policy.

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

Mr. Schue questioned the difference of definitions between accessory structures and accessory dwelling. Ms. Parson said the structure of the LDRs separates structures from dwellings. Ms. Diesbourg said that using an accessory structure as a dwelling would be a Code Enforcement violation.

The meeting reconvened after a short break at 10:47 a.m.

The LPA reviewed the letter received that day regarding the Karlton project. Several members commented about inaccuracies within the letter, including that the timeframe of the new Comprehensive Plan was twenty years not five. There was no motion made by any LPA members to change the Future Land Use Category (FLUC) and it was noted for the record that the letter from Karl Corporation had been received and reviewed.

David Jordan returned at 11:00 a.m.

LANDOWNER REQUESTS

Cecelia Bonifay, Akerman Senterfitt, said she would be representing the following landowners:

- **Loma Linda Corporation:** Ms. Bonifay said this property currently has the Rural Transition Density Future Land Use Category (FLUC) assignment on the draft Future Land Use Map (FLUM). She discussed the proximity of this area to the turnpike and the development in the area. She said the landowner was requesting Urban Low Density to allow for a mixed-use development which could support the proposed Light Industry and Office FLUCs in this area.
Jerry Cloud, President of Loma Linda Corporation, said its location close to the Turnpike, U.S. Highways 19 and 27, coupled with its favorable topography, supported their request for Urban Low Density.
- **Center Lake Properties:** Ms. Bonifay said some of these properties, generally referred to as Black East and listed on today's schedule, were the subject of a settlement agreement with the County. She discussed the history and the general conditions of the agreement. Ms. Bonifay said Urban Low Density was appropriate for this area because central utilities would be available and said density was defined within the utility agreement.
- **Center Lake Properties (Hartwood Marsh Road):** Ms. Bonifay said the property owner agreed with the Light Industrial (LI) FLUC. She said part of this property was the Tarmac Sand Mine site, a portion of which had been purchased by Lennar Homes and annexed into the City of Clermont. The remaining parcel is still an active mine site, and she said after reclamation, the owner would be requesting an Industrial FLUC.
- **Center Lake Properties, Lake Eldorado:** Ms. Bonifay said she thought that Lake Eldorado Estates had already been platted. She noted this area currently has a Rural Transition Density FLUC on the draft FLUM, which is consistent with the development plans.
- **Harb Property, Minneola Ridge:** Ms. Bonifay said this property is currently designated Office on the draft FLUM. She said the property owner did not agree

with this FLUC because of the developments in the area that contain commercial uses. In addition, they are concerned about access to this area and they are requesting Urban Medium Density, which would allow Office and Commercial with a Conditional Use Permit (CUP). There was discussion regarding the Planned Unit Developments (PUDs) in this area and a recent annexation by Minneola.

Mr. Harb discussed the history of these development plans and said he did not believe this property was suitable for sustainable businesses. Ms. Bonifay discussed the history of the PUDs in this area, many of which predated the adoption of the current Comprehensive Plan. Mr. Sheahan said after the 2025 Plan was adopted, the County would be mandated to adopt a new zoning map and new Land Development Regulations (LDRs). He said during that process, inconsistent zonings will be changed and he noted the FLUC was more important than the zoning classification.

- Tyler Investments: Ms. Bonifay said she is no longer representing this client.
- Clont's Groves, Inc.: Mr. Sheahan noted for the record that there is a pending rezoning on this property. Ms. Bonifay said this property was in Clermont's Joint Planning Area (JPA) which she believed meant the City thought this area would eventually be urban. She said they have letters stating that local utility providers have capacity to serve this property.

Rex Clonts said his plan was to have a modern citrus grove and he said the groves have begun to repay his investment. He said if his groves are affected by freezes or disease, then his survival as a citrus grower would be dependent on the loan value of his land. He said the collateral value of his land is based on the FLUC. He discussed the proximity of his land to the Four Corners Area, the City of Clermont and Horizons West. He said this area is undergoing growth and requested his property be designated Urban Medium Density. He added that the current Future Land Use Map (FLUM) has an Urban Expansion FLUC assigned to his property. Mr. Clonts said he had applied for a rezoning to protect the collateral value of his land.

Mr. Schue thought the LPA should consider only the appropriate use of the land and not its collateral value. Mr. Jordan said the LPA had tried to not "go lower" and noted that Urban Expansion is a significant land use. Ms. Barrow said she had spoken at public meetings regarding the request to rezone. Ms. Bonifay said this area was part of the settlement agreement process regarding the current Comprehensive Plan and she thought the LPA should consider keeping the current FLUC. Ms. Barrow noted the LPA had agreed to make decisions on these requests next week and to try to keep emotions out of the discussion. Mr. Sheahan said the City of Clermont had recommended Urban Low Density on some parcels just north of this property. Mr. Carey agreed with Ms. Barrow that they were getting off track and with Mr. Jordan that they needed to find creative ways to address issues raised by Mr. Clonts' situation. Mr. Jordan was concerned that consideration of this property could be "tainted" by the strong feelings regarding development in this area.

The meeting reconvened after lunch at 1:38 p.m.

Battaglia Properties: Ms. Bonifay said this property is located in the Wekiva River Basin and on the current draft FLUM, it has a Rural Medium Density FLUC. She said they were requesting an Urban Low Density FLUC, which would be consistent with properties in the area. Mr. Schue said part of this property was in the Wekiva River Protection Area (WRPA) Receiving Area where the highest allowed density is one (1) dwelling unit per net acre. He said that those densities were less than the FLUC requested by Ms. Bonifay's client and noted that the Black Bear development had achieved those densities with a Transfer of Development Rights (TDRs).

David Jordan returned at 1:50 p.m.

- Battaglia Properties: Ms. Bonifay said this property is currently shown on the draft FLUM as Rural Transition Density. She said her client was requesting Urban Low Density.

Chairman Foley commented that part of this property was near the Mt. Plymouth-Sorrento Planning Area. Ms. Bonifay said her client was requesting Urban Low Density because of the surrounding development. The LPA discussed Mt. Dora's recommendation to keep this area rural and the emphasis on clustering developments within the WRPA. It was noted that the south part of this property does have the draft FLUC assignment of ULD that the owner has requested. Ms. Bonifay noted that properties annexed into Mt. Dora now have higher densities than the densities the City had recommended when the property was in the unincorporated area of the County. She discussed the challenges of developing properties with more than one FLUC.

- Battaglia Properties: Ms. Bonifay said because this property has access from CR561 and is close to the Turnpike, she did not feel it was suitable for Rural Low Density. She said the property owner was requesting mixed use because of the transportation access and Ms. Bonifay thought Office/Commercial would be a suitable FLUC.
- Battaglia Properties: Ms. Bonifay said this property was located on Highway 27 in front of the Eagle Ridge and Citrus Valley Planned Unit Developments (PUDs). She said she was concerned about a potential non-conforming issue because it is zoned commercial but has an Urban FLUC on the draft FLUM. There was discussion regarding a potential regional commercial category, embedding commercial within the Urban Land Use series and extending the commercial corridor.
- Battaglia Properties: Ms. Bonifay said this property, located in the area of Hwy 27 and 192, was designated Urban Low Density on the draft FLUM, which was consistent with the owner's plans for this property.

Tim Green, AICP, President of Green Consulting Group, represented the following:

- John Kingman Keating property: Mr. Green said the property owners agreed with the FLUC that had been assigned to their property.
- JKK property: Mr. Green said this property was in the Eustis area and was surrounded by higher densities including adjacent land within the City with a five (5) dwelling per acre density. The draft FLUM shows Urban Medium Density and he said they are requesting density matching the surrounding parcels. Mr. Green said they were requesting Office on parcels 3 and 4, and it was noted that Office is allowed within the urban FLUCs. Mr. Green said the property owners were satisfied with the FLUC on parcels 2 and 7. He said on parcel 6 they were requesting Urban Low Density because it is adjacent on two sides to Eustis with densities of five (5) dwelling units per acre.
- Frank Gammon property: Mr. Green presented a one (1) mile radius map of this property, which is the radius used when determining timeliness. He discussed the platted subdivisions in the area and said there is enough approved developments under construction for this property to meet timeliness. Mr. Green said Mr. Gammon believed this property was surrounded by higher densities and said they are requesting Urban Low Density. Mr. Schue discussed some existing developments with densities of one (1) dwelling unit per acre in the area.

Richard Oswalt represented the following:

- Mr. Oswalt said that Richard Oswalt was his father. He said their remaining property has both the Ridge and Rural Conservations FLUCs. He noted that the FLUM should be corrected to show that not all of their property was within the Green Swamp Area of Critical State Concern (GSACSC). He said they were planning a family subdivision on the lakefront property.

The meeting reconvened at 3:30 p.m. after a short break.

William Ray, AICP, Senior Project Manager, Bower-Singleton & Associates, represented the following:

- Boyd Davis Trust Property: Bill Ray said a request had not been submitted because it had been discussed with the LPA previously. He added that he had been in communication with Rebecca Jetton per the request of the LPA and said information would be submitted in the near future.

Leslie Campione, Esq., Campione & Vason, represented the following:

- Leslie Campione said the first property was owned by her. She said it is currently shown at Urban Medium Density on the draft FLUM. She said this property is bounded by Eustis on the north and south with densities of five (5) dwelling units per acre. She said the commercial criteria would not allow them as much square footage as they would like and said they were requesting a higher density in order to increase the amount of the commercial.
- Ms. Campione said because she had already discussed the Four Corners Area property, she would not make another request at this time.
- Ms. Campione said the next property she wanted to discuss was located by 33, 48, west of 27 and contiguous to Leesburg and suggested that this would be a good

location for Regional Commercial.

- Ms. Campione referred to the property at 439 and 44A and said the landowner was requesting commercial use. Mr. Schue said it was the intention of the LPA to have provisions within the 2025 Comprehensive Plan recognizing existing commercial zonings.
- Ms. Campione said the landowner in the Lake Yale area was requesting Medium Density and said that was consistent with the adjacent landowner.
- Ms. Campione discussed the Wilson Parrish Road property. She said although the property had been divided by deed, no lot split had been done and it has a density of one dwelling unit per five (5) acres. There was discussion regarding the size of lots in this area.

TEXT AMENDMENT

The LPA briefly reviewed the text amendment requests.

Jon Pospisil said he wanted to address his suggested text amendment regarding windmills and noted that recent technological developments could make windmills a viable option in the State of Florida. He thought there should be an option for someone to have such a windmill with a Conditional Use Permit (CUP). He was concerned that the County's height requirement could prevent the development of this alternative energy. There was discussion regarding this issue.

The Chair adjourned the meeting at 4:30 p.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary