

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
NOVEMBER 24, 2008**

The Lake County Local Planning Agency met on NOVEMBER 24, 2008 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:

Rob Kelly	District 2
Michael F. Carey	District 3
Peggy Belflower, Vice-Chairman	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Terry Godts	At-Large Representative

Members Absent:

Charles Rector	District 1
Cindy Barrow	School Board Representative

Staff Present:

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

Nadine Foley, Chairman, called the meeting to order at 9:02 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Planning and Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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MOTION by Michael Carey, SECONDED by Rob Kelly to approve the November 15, 2007 minutes as submitted.

FOR: Foley, Schue, Carey, Belflower, Kelly, Godts, Zaneis,
ABSENT: Rector, Barrow
AGAINST: None
MOTION PASSED: 7-0

MOTION by Rob Kelly, SECONDED by Michael Carey to approve the December 14, 2007 minutes as submitted.

FOR: Foley, Schue, Carey, Belflower, Kelly, Godts, Zaneis,
ABSENT: Rector, Barrow
AGAINST: None
MOTION PASSED: 7-0

REVIEW OF ACTION ITEMS

Peggy Belflower reviewed her proposed changes to the Intergovernmental Coordination Objective and said she believed that incorrect information had been provided to the LPA regarding the enforceability of Joint Planning Areas (JPAs). Brian Sheahan, AICP, Planning & Community Design Director, said staff would not support the proposed use of “shall” which would require the County to pursue JPAs, which might not be the best way to attain the desired result. He said in staff’s opinion Interlocal Service Boundary Agreements (ISBAs) were more enforceable. Mr. Sheahan stated for the record that staff needed to know what misinformation had been provided so that documentation can be provided to keep the record clear.

Some LPA members believed JPAs were enforceable contracts. Chairman Foley said there were ways for either party to cancel a JPA and she agreed that ISBAs would be more enforceable. Melanie Marsh, Deputy County Attorney, said JPA disputes can not be litigated until the parties have completed the mediation process mandated by the State. Michael Carey said he thought the more binding the JPAs were, the more reluctant entities would be to enter into them. Rob Kelly said he thought Ms. Belflower’s comments meant that the enforceability of a JPA was dependent on how they were written. Mr. Sheahan said the ISBA statute was intended to ensure that cities were able to provide services to annexed areas. Ms. Belflower said she wanted to ensure the County was aware of planned annexations and she wanted the JPAs referenced in the draft Comprehensive Plan so that they would be part of the Plan.

Ms. Marsh said the County Attorney’s Office would advise against adopting JPAs into the Comprehensive Plan by reference because then any JPA change would require a Comprehensive Plan amendment. Chairman Foley suggested they move forward with the review of the other proposed changes.

The LPA agreed with draft policy for the second bullet item stating all parties to the ISBA must agree with any FLUC changes.

The LPA agreed to add “The County shall monitor municipality annexations” to the beginning of Policy 7.10.3, Evaluate Intergovernmental Agreement Effectiveness.

There was a consensus of the LPA with the ISBA policies as shown on the monitor. Ms. Marsh stated that the agreement can contain a process for the entities to make joint decisions on future land use. There was discussion about referencing adopted ISBAs in the Comprehensive Plan. Mr. Sheahan said because the Comprehensive Plan can be amended only twice a year, that County staff would be the best source of information on ISBAs.

The LPA agreed to include a summary of the adopted JPAs within the Comprehensive Plan.

The LPA agreed to edit the introductory paragraphs of the Intergovernmental Coordination Objective as shown on the monitor, including deleting the final sentence. In the Adopt Joint Planning Areas Policy, the LPA agreed with “shall pursue...” and to insert a sentence stating that the County shall adhere to the Comprehensive Plan when negotiating JPAs and requiring evaluation of adopted JPAs.

After some discussion, the LPA agreed that any ISBA involving central utilities shall include a JPA agreement on the future land use of the land within the ISBA.

The meeting reconvened at 10:47 a.m. after a short break, Rob Kelly returned at 10:55 a.m.

PUBLIC COMMENT

Jon Pospisil suggested changing “may be annexed” to “may be served.”

During the continued discussion regarding ISBAs, Mr. Sheahan said that the County has no jurisdiction over land after it has been annexed into a municipality. Mr. Carey thought that municipalities were going to be very reluctant to enter into these agreements and that the planning process should be more colloquial. Mr. Sheahan said governmental agencies may consider ISBAs but there is no mandate that an agreement must be reached. He said a refusal to negotiate results in a waiver of rights. The LPA agreed to change the title to “Municipal Annexations” and delete the second sentence. The LPA agreed to insert language in the Adopt Joint Planning Areas policy stating that JPAs shall be evaluated and revised as necessary. The LPA agreed to include similar language regarding the evaluation and revision of the ISBAs. Ms. Marsh said the Comprehensive Plan can not require the BCC to file a lawsuit. She noted that the decision to file a lawsuit involves many considerations, including if the County even has legal standing to sue. The LPA agreed to add “when appropriate” in the Municipal Annexation policy.

The LPA reviewed draft language related to Airports in the Green Swamp Area of Critical State Concern (GSACSC) and discussed limiting the length of the airstrips, limiting the number of aircraft and when Conditional Use Permits (CUPs) should be required.

The meeting reconvened at 1:09 p.m. after a break for lunch. Rob Kelly did not return after the lunch break.

The LPA discussed how to prevent the commercialization of airstrips in the GSACSC and the Wekiva River Protection Area (WRPA). The LPA agreed to limit new aviation sites to private residential use with no more than three (3) planes based at each facility. There was consensus of the LPA to require a CUP for the expansion of existing airstrips with more than three (3) planes. There was a consensus of the LPA with the aviation policies as edited and shown on the monitor with regards to the GSACSC and WRPA.

The LPA discussed the Creation of Historic Overlay Districts policy and agreed to edits stating that these districts would be established through public workshops conducted by the County.

After reviewing and discussing Policy 7.5.5, Existing Lot Exception for Density, the LPA reached consensus with the language as edited and shown on the monitor.

MOTION by Keith Schue, SECONDED by Peggy Belflower to accept the policy titled Existing Lot Exception for Density as shown on the monitor and to incorporate that policy into the draft Future Land Use Element.

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

ABSENT: Rector, Barrow, Kelly

AGAINST: None

MOTION PASSED: 6-0

MOTION by Keith Schue, SECONDED by Peggy Belflower to approve Policy 7.5.4 Vested Rights Provisions as shown on the monitor.

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

ABSENT: Rector, Barrow, Kelly

AGAINST: None

MOTION PASSED: 6-0

The LPA reviewed Policy 7.11.3, Provision of Central Water and Sewer Services. The LPA discussed a number of issues, including minimum lot size for septic tanks, the role of the Department of Health in regulating septic tanks and whether a FLUC should be used as the threshold for requiring central or individual wells and septic systems.

PUBLIC COMMENT

Jon Pospisil suggested that items 1-3 should be left for the Land Development Regulations (LDRs).

The LPA agreed to divide the first paragraph, adding a sentence that within rural areas individual wells and septic systems shall be primarily used ~~(rewording)~~. The LPA agreed to include the last sentence of item 3, stating that central utilities shall not be used as sole justification for a future land use amendment and that the remaining item will be addressed in the LDRs.

The meeting reconvened after a short break at 2:55 p.m.

The LPA reviewed Policy 7.11.1, Location of Private or Public Electric Utilities and agreed to use "...generally permitted and allowed..." to substitute "encouraged" for "allowed," to delete "shall not be considered utilities," and to change the title to "Provision of Electric Facilities."

The LPA reviewed Objective 1.3 Urban Land Use Series making formatting changes and editing the language by consensus as shown on the monitor. The LPA confirmed their direction to staff that civic uses should be included as a permitted use in the urban land use categories.

The LPA agreed to minor changes to the language in Policy 1.3.6 Regional Office and in Policy 1.3.7 Regional Commercial.

There was discussion on an appropriate Floor Area Ratio (FAR) for Regional Commercial and the LPA agreed on a 0.75 FAR. Mr. Sheahan said a FAR set at that level would maximize the use of this type of land. He noted that the LDRs could be more restrictive but still allow for the occasional project that would benefit from the higher FAR.

MOTION by Michael Carey, SECONDED by Keith Schue to set the Maximum Floor Area Ratio at 0.75 in the Regional Commercial FLUC.

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

ABSENT: Rector, Barrow, Kelly

AGAINST: None

MOTION PASSED: 6-0

The LPA reviewed the light industry policy for consistency and agreed to add a bullet item regarding limited commercial and office uses that support light industrial uses. There was also agreement to insert "generally" before "produce objectionable environmental influences..." and other edits as shown on the monitors.

The LPA reviewed the heavy industry policy and agreed to add a bullet item regarding limited commercial and office uses that support heavy industrial uses and other edits as shown on the monitors.

The LPA agreed to add Heliports as a conditional use within the Regional Office FLUC and as an allowed use in Regional Commercial FLUC. After some discussion, the LPA decided to allow heliports in conjunction with hospitals in the urban FLUCs.

In Policy 1.3.11, Commercial Activities within the Urban Future Land Use Series, the LPA agreed to remove the outdated sentence referring to the EAR and the economic development study.

In Policy 1.3.11.2, Commercial Site Design and Compatibility with Adjacent Land Uses, the LPA agreed to several minor edits as shown on the monitor including the replacement of “transition” with “compatibility.”

The LPA agreed to edits shown on the monitor for the commercial center policies, to remove the reference to FLUCs within each commercial center, to relocate the sentence regarding location criteria, and to change a “may” to “shall.”

The Chair adjourned the meeting at 4:15 p.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary