

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
March 7, 2012

The Lake County Planning and Zoning Board met on Wednesday, March 7, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning and Conditional Use Permits.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, March 27, 2012 at 9 a.m., in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Ted DeWitt	District 2
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5

Members Absent:

Kasey Kesselring	At-Large Representative
Jim Miller	School Board Representative

Others Present:

Debbie Stivender	School Board Representative
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Staff Present:

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division
Melving Isaac, Planner, Planning and Community Design Division
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division
Ann Corson, Office Associate IV, Planning and Community Design Division
Erin Hartigan, Assistant County Attorney
Ross Pluta, Engineer III, Public Works
Shannon Treen, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:04 a.m. He led the Pledge of Allegiance and Timothy Morris, Vice Chairman, gave the invocation. Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Recording Secretary prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

Brian T. Sheahan, Planning Manager, confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been properly noticed.

TABLE OF CONTENTSTAB NO: CASE NO: OWNER/APPLICANT/AGENT/PROJECT

Agenda Updates

Consideration
of Minutes February 1, 2012

CONSENT AGENDA

Tab 2	PH #10-12-2	Lake County Clermont Baptist Church
Tab 3	PH #8-12-5	Dallas Bryan and Tina Smith Smith Rezoning
Tab 4	CUP #12/3/1-5	Clayton M. Reynolds DTZ, Inc. A.K.A. Top Gun Sports R & R Ranch
Tab 5	PH #7-12-3	Lake County Housing Division Cheryl Howell Yalaha Community Center

REGULAR AGENDA

Tab 1	PH #6-12-5	Sandy and Barry Hayes Jo Ann and Larry Benton Freedom Community Church
Tab 6	PH #25-10-3	Cecilia Bonifay West Orange Airport Authority Long and Scott Farms Airstrip
Tab 7	CUP #12/2/2-4	Steven R. Nordstrom Phillip L. and Deborah P. Kirby Lakes of Mt. Dora
Tab 8	PH #5-12-2	Anwar Latib Islamic Center of Clermont, LLC Islamic Community Center

Updates

Adjournment

AGENDA UPDATES

Chairman Bryan noted that since they received a speaker request card for Tab 1 on the consent agenda, they will move that item to the regular agenda for discussion. He also mentioned that Tab 6 on the regular agenda will be postponed until the next meeting in April.

MINUTES

MOTION by Lorenzo G. John Ameri, SECONDED by Ted DeWitt to APPROVE the February 1, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: Ameri, DeWitt, Morris, Gonzalez, Bryan

ABSENT: Kesselring, Miller

AGAINST: None

NOT PRESENT: None

MOTION CARRIED: 5-0

CONSENT AGENDA:

PH #10-12-2	Lake County Clermont Baptist Church	2
PH #8-12-5	Dallas Bryan and Tina Smith Smith Rezoning	3
CUP #12/3/1-5	Clayton M. Reynolds DTZ, Inc. A.K.A. Top Gun Sports R & R Ranch	4
PH #7-12-3	Lake County Housing Division Cheryl Howell Yalaha Community Center	5

MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE the Consent Agenda as amended, consisting of agenda items 2, 3, 4, and 5.

FOR: Gonzalez, DeWitt, Morris, Ameri, Bryan

ABSENT: Kesselring, Miller

AGAINST: None

NOT PRESENT: None

MOTION CARRIED: 5-0

REGULAR AGENDA:**CASE NO:** PH #6-12-5 **TAB NO.** 1**OWNER:** Jo Ann and Larry Benton
APPLICANT: Sandy and Barry Hayes
PROJECT NAME: Freedom Community Church

Melving Isaac, Planner, presented the case explaining that the applicant is requesting to rezone the property from Rural Residential to Community Facility District for a church and a parsonage and pointed out that the property is located in the Lady Lake area east of Grays Airport Road. He added that there is an existing residence on the property and the original application stated it would be used for a parsonage, but now the applicants are requesting to change the ordinance to specify that the residence be used for a pastoral retreat, office and a religious classroom. He noted that the proposed rezoning request is consistent with the Comprehensive Plan and the Land Development Regulations (LDR's) and that staff is recommending approval with conditions set forth in the ordinance.

Lorenzo G. John Ameri, Board member, asked if there will be an increase in traffic congestions due to the change in use of the existing residence. Mr. Isaac answered that the traffic will not increase because the same members who attend the church will also use the proposed residence.

Dennis Ricker, a concerned neighbor, stated that his home is to the immediate north of the proposed rezoning and expressed that he has concerns about the road conditions and the traffic problems that could result from additional vehicles traveling to the church. He noted that the section of road near the church on Grays Airport Road is already heavily traveled and it is very narrow with many potholes. He suggested that the road be improved even if the rezoning request is not approved.

Timothy Morris, Vice Chairman, asked if the road is scheduled to be resurfaced. Ross Pluta, Engineer III, replied that the road is not in the County's five-year plan, but he noted that there is about 70 percent capacity left on the road.

Mr. Morris asked if the applicants will have to do improvements to their section of the road. Mr. Pluta responded that they will address that during the site plan review.

Pastor Barry Hayes, the applicant, confirmed that the roads are bad and noted that their congregation has between 68 and 90 people, so there will be around 35 cars at the church. Pastor Sandy Hayes, his wife, continued and explained that they will continue to worship in the casino building in Fruitland Park, but they want to secure the land for the future. She added that it will be at least a year before they add more structures to the property and use it for worship.

Mr. Ameri asked what the speed limited is in that area. Pastor Barry Hayes replied that it is 35 to 40 miles per hour. Mr. Ameri then asked if a reduction in the speed limit would alleviate any of the traffic concerns. Pastor Barry Hayes stated that the road conditions were the main concern because the road is very narrow making it hard for vehicles to pass by each other.

MOTION by Rick Gonzalez, SECONDED by Timothy Morris to APPROVE PH #6-12-5, Freedom Community Church.

FOR: Gonzalez, Morris, Ameri, Bryan

ABSENT: Kesselring, Miller

AGAINST: DeWitt

NOT PRESENT: None

MOTION CARRIED: 4-1

CASE NO: CUP #12/2/2-4

TAB NO. 7

OWNER: Phillip L. and Deborah P. Kirby

APPLICANT: Steven R. Nordstrom

PROJECT NAME: Lakes of Mt. Dora Temporary Sales Office

Jennifer Cotch, Environmental Specialist, presented the case stating that the applicant applied for a Conditional Use Permit to place a temporary sales office trailer on a nine acre parcel of agriculturally zoned property in order to sell approximately 100 lots in the Lakes of Mt. Dora subdivision. She added that there currently is a sales office in that subdivision and explained that a commercial real estate office is not permitted on agriculturally zoned property and although temporary sales trailers are permitted within approved subdivisions as an accessory use, the proposed use is not located within an approved subdivision and is not considered an accessory use to the existing use of the property. She noted that the request is inconsistent with the allowable uses in agricultural zoning and is inconsistent with the comprehensive plan policy relating to the location of commercial uses; therefore, staff is recommending denial of the CUP request. She added that they did place conditions in the ordinance should the Board decide to approve the request to limit the temporary use to no more than three years, limit the hours of operation, require that the parking lot be pervious surface only, and limit the sales office to selling units only located within the Lakes of Mt. Dora subdivision.

Mr. Bryan asked if the property would allow for manufactured homes. Ms. Cotch responded that it would allow for one manufactured home as a residence.

Robert Williams, Lawyer representing the applicants, Pringle Homebuilding Group, LLC, gave a brief history of the Lakes of Mt. Dora subdivision and explained that in 2008 the property was foreclosed upon, but Pringle Homebuilding Group, LLC (PHG) purchased limited assets and kept ownership of 101 lots. He noted that Medallion Homes bought the two phases that have yet to be developed and pointed out that PHG owns the existing sales trailer, but since it is located on property that Medallion Homes will own in about 30 days, they do not believe that they will be allowed to keep the sales trailer there. He stated that they felt the best solution in order to continue to sell the lots was to move the existing sales trailer to the property owned by the Kirbys on a temporary basis adding that they predict it will take three to five years to sell all of those lots. He commented that the vacant lots share a limited assessment toward the expense of the subdivision so getting those homes built out will not only increase the tax base for the County, but also for the residents. He expressed that they approve of the proposed ordinance with the conditions.

Mr. Gonzalez asked whether the three year temporary use is acceptable to the applicant. Mr. Williams answered that they did ask for five years, but they will accept three years.

Peter Logan, President of Medallion Homes and Lakes of Mt. Dora Property Owners Association, reiterated that the request is inconsistent with the comprehensive plan as well as the LDR's and pointed out that many residents that he has spoken with in the Lakes of Mt. Dora are not in favor of a sales office outside of the community.

Mr. Morris asked Mr. Logan if he will allow PHG to keep their trailer at the same location to sell the lots. Mr. Logan replied that they have never been asked. He also noted that there are a number of obligations within the community that have not been met by Pringle and the residents are not very happy.

Mr. Williams pointed out that the request is for temporary use, so the trailer would not be there forever. He then mentioned that they are currently engaged in litigation with Mr. Logan's company contesting his presidency of the property owners association and his company's claim to developer status of the rest of the Lakes of Mt. Dora subdivision.

Mr. Gonzalez asked why the ordinance is restricted to three years. Ms. Cotch answered that it was recommended to limit it to three years because five years is not considered temporary.

Mr. Gonzalez suggested that the condition in the ordinance be changed to five years and also state that the sales office be removed in 30 days once all lots are sold so that they would not have to readdress this if in three years the lots have not sold.

MOTION by Timothy Morris, SECONDED by Rick Gonzalez to APPROVE CUP #12/2/2-4, Lakes of Mt. Dora Temporary Sales Office, with the amended condition in the ordinance stating that the sales office be removed within thirty days of selling all lots or within five years of the issue date of the CUP.

FOR: Morris, Gonzalez, Ameri, Bryan

ABSENT: Kesselring, Miller

AGAINST: DeWitt

NOT PRESENT: None

MOTION CARRIED: 4-1

CASE NO: PH #5-12-2

TAB NO. 8

OWNER: Islamic Center of Clermont, Inc.

APPLICANT: Anwar Latib

PROJECT NAME: Islamic Community Center Rezoning

Rick Hartenstein, Senior Planner, presented the case and showed on the monitor that it was properly noticed and that a double-faced sign was posted at the intersection of Lost Lake Road and Hancock Road as well as in front of the property. He then explained that the 4.78 acre property is located on Lost Lake Road in Clermont and that it is currently zoned agriculture. He noted that the applicant is requesting to rezone the property to Community Facility District to

construct a 25,000 square foot two-story building for use as a community center on the first floor and a place of worship on the second floor and that the applicant intends to utilize the existing single-family residence as a caretaker's residence. He noted that access to the property is on an unimproved portion of Lost Lake Road which has a 15 foot wide platted postal colony easement. He specified that the LDR's for the Clermont Joint Planning Area requires a minimum 66 foot right of way for all new streets and roadways within the rural areas and must include swales for stormwater runoff and in order to meet this requirement, an additional 51 feet of right of way would be required at the time of site plan review. He indicated that the segment of Hancock Road at the intersection of Lost Lake Road will be affected by anticipated transportation impacts if approved and pointed out that Public Works suggested that the road be widened from two lanes to four in order to maintain the required level of service for Hancock Road; however, that improvement is not currently in the five-year capital improvement plan. He mentioned that the applicant will also be required to satisfy transportation concurrency standards for the impacts caused by the project by providing a proportionate share contribution and must submit a traffic study with the site plan. He stated that the existing single-family residence is currently served by an on-site well and septic tank and the Lake County Health Department has indicated that the existing well and septic system will need to be evaluated for the capability to support the proposed uses. He added that because the proposed project is within the rural future land use, a connection to water and sewer is not required unless the lack of central services poses a threat to the public health, safety, welfare or environment, and if it is determined that central water and sewer is necessary, a Utility Service Agreement with the City of Clermont for water and sewer will be required prior to site plan approval. He noted that Lake County Fire Rescue and the Clermont Fire Department will provide services to the property and due to the intensity of the proposed project, central water may be required for fire protection. He mentioned that they have received three emails with concerns of the project and that they have all been forwarded to the Board members. He stated that the proposed rezoning application and the proposed uses are consistent with the comprehensive plan and the LDR's; however, conditions have been placed in the ordinance to address the inconsistencies and the deficiencies regarding the impervious surface ratio and the lack of adequate right of way. He expressed that staff recommends approval of the rezoning application subject to the conditions in the ordinance.

Mr. Bryan asked if Hancock Road would need to be widened to four lanes with the additional traffic generated by the development. Mr. Pluta stated that they cannot widen that road because it is not in the five-year plan and they did not have sufficient funds to do that. He added that the road is already over capacity according to the standard tables, but depending on the outcome of the traffic study, the numbers may change.

Mr. Gonzalez asked what the next steps are for the applicant if the request is approved. Mr. Hartenstein replied that the applicant would provide a traffic study, an environmental assessment to determine if endangered species are on the property, an engineered plan for the project, and proof that they have acquired the additional right of way necessary for the improvements of Lost Lake Road and Hancock Road before the site plan is approved.

Ted DeWitt, Board member, asked whether it is possible for the applicant to receive a permit and occupy the building even though Hancock Road would not get widened. Mr. Hartenstein stated that that possibility did exist.

Rob Wassum, Project Engineer with R3 Associates, LLC, stated that all of the conditions will be addressed with the site plan approval as they move forward with the project. He added that they wanted to see whether it was possible to get the property rezoned for the proposed use prior to expending any funds.

Mr. DeWitt asked about the hours of operation and peak traffic times. Anwar Latib, member of the Islamic Center of Clermont, explained that they offer a midday cultural prayer service on Fridays, children's cultural and sporting activities on Saturday mornings, cricket on Sunday mornings, and Arabic instruction on Monday and Thursday evenings. He pointed out that all of their services are open to all members of the community and that they provide many sporting activities that are not provided by the City of Clermont parks and recreation.

Mr. Bryan commented that the proposed facility will be very large and asked where they anticipate all of the participants to come from. Mr. Latib responded that a large part of the facility is for a banquet hall to play badminton and squash and the upper level will be for the cultural sessions and prayer meetings. He stated that they are planning for the future because they are aware of the massive growth that Clermont has experienced in the last five to ten years.

Mr. Bryan asked if they plan to phase the construction or build it all at once. Mr. Latib replied that they plan to raise funds to build it all at one time.

Mr. Gonzalez mentioned that one of the emails expressed concern about outside speakers and asked if there will be a loud speaker system outside of the building. Mr. Latib responded that they do have two cultural celebrations twice a year and they will have an open air congregation, but the sound is retained well within the range of the property.

Mr. Latib then expressed that the current facility is inadequate to cater to the activities planned for the Clermont community and they encourage the interaction of cultures in an effort to build inclusiveness through cooperation, understanding and acceptance. He stated that approval of the rezoning request will bolster their commitments to continue their outreach programs.

Paul Adams, a concerned neighbor, spoke in opposition to the request explaining that this area was very rural and most of the agriculturally zoned property around him has been rezoned to CFD. He noted that the conceptual plan shows there will be 199 parking spots on the property, which implies that roughly 600 people will be attending events there and he was concerned about the sewage problems that could arise from having such a large number of people at that property. He pointed out that the area is designated as a skink consultation area and he has seen sand skinks, bluetailed mole skinks, and gopher tortoises on the property. He added that if sand skinks are found on the property, property values will plummet because development will not be allowed on those properties. He also mentioned that he was worried about there being loud speakers on the property and the times in which the speakers may be used.

Judith Adams continued discussing her and her husband's concerns and stated that their property was adjacent to the southwest of the proposed rezoning and the view in their backyard would now be of a huge building if approved. She noted that the size of the building is allowed to be 45 feet high and that will tower above the trees separating their properties. She related that most of the property in that area is orange groves, single-story dwellings, and nurseries and the proposed building will not fit the character of their neighborhood.

Deborah Salvi, a concerned neighbor, spoke in opposition to the request and noted that her property was the five-acre tract immediately to the west of the proposed rezoning. She explained that about three years ago, the property in question was purchased and a mobile home was placed on it for the owner's son and it was supposed to be used as a weekend get-together spot for family and friends, but it soon became a large gathering spot for Islamic worshipping. She stated that they have counted up to 140 cars at one time on the property and parking of those vehicles has

spilled onto the road and at the front of her property. She related that Lost Lake Road is a private easement dirt road and they try to maintain it themselves, but because the majority of the drivers going to that property speed on that road, it is causing severe wear and tear and they cannot continue to maintain it. She pointed out that they also have to endure high noise levels, trash on the road, and cricket balls hitting their house and vehicles. She noted that they have witnessed many activities taking place on the property without the proper permitting and the rodent population has increased causing an overflow of pests and rats onto their property and structures. She urged the Board to deny the rezoning request, but if they do approve it, she would like the following improvements made at the expense of the owner: pave the private easement to County standards; provide adequate parking, sanitation and septic at the site; and provide a buffer between the properties for a reduction of noise level.

Mr. Gonzalez asked if she has ever requested the drivers to slow down. Ms. Salvi answered "yes," adding that the drivers have ignored her request and it has been an on-going battle.

Mr. Latib expressed that he is prepared to accommodate all of the requests made by Ms. Salvi and he then addressed the speeding issue, the cricket balls, the litter, and the rats and explained that they strictly enforce the speed limit that is posted; however, it is hard to account for new visitors who may not be aware of the speed limit. He noted that they will redirect the cricket games in order to eliminate the stray balls going onto the Salvi's property and he stated that they do their best to clean up the property after all gatherings, but in the future he will make sure a cleaning crew is sent out to ensure there is no more litter. He also mentioned that they have signed a contract with Florida Pest Control and they have been assured that all of the rats on those properties will be eliminated.

Mr. Gonzalez asked Mr. Latib if the neighbors have ever addressed their concerns with them in the past. Mr. Latib responded that they have had informal discussions and have made some changes to accommodate their concerns. He added that they have always been approachable and will continue to do so.

Mr. Wassum commented that they do have plans for a landscape buffer and they are currently discussing sewer service with the City of Clermont. He indicated that because the facility is going to be more of a community center rather than a sanctuary, they do not foresee there being as much traffic generated and the number of parking spaces will most likely decrease. He also mentioned that they are aware of there being sand skinks and gopher tortoises in the area and they have already engaged the services of an environmental firm to conduct that study.

Mr. Bryan stated that he appreciates the applicant's commitment to address the issues that were raised, but he was still concerned with the issues of Hancock Road and Lost Lake Road and felt this was an extremely intense development in a rural area that lacks infrastructure.

Mr. Gonzalez noted that it will be a long time between the rezoning and the site plan approval, so those other issues could be addressed.

MOTION by Timothy Morris, SECONDED by Ted DeWitt to DENY PH #5-12-2, Islamic Community Center.

FOR: Morris, DeWitt, Ameri, Bryan

ABSENT: Kesselring, Miller

AGAINST: **Gonzalez**

NOT PRESENT: **None**

MOTION CARRIED: **4-1**

UPDATES

Mr. Sheahan informed the Board that the Board of County Commissioners approved an ordinance officially changing the name from Lake County Zoning Board to Lake County Planning and Zoning Board. He also mentioned that he will send the members a copy of some proposed changes to the landscape ordinance and asked that they review those since they will be considering those changes at the meeting in April.

Mr. Gonzalez asked if it was possible to have the County Manager or County Attorney make a correction to an ordinance when there is a scrivener's error instead of having to go through the entire process of a public hearing to make that correction.

Erin Hartigan, Assistant County Attorney, explained that they have looked into that before and they found an Attorney General opinion regarding correcting a comprehensive plan error stating that since the legislature has set forth procedures, the local government must adhere to those. She added that their opinion at this time is that because there is a procedure for amending the zoning, the County cannot correct a scrivener's error without following the procedure outlined in the statutes.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:56 a.m.

Respectfully submitted,



Shannon Treen
Clerk, Board Support



Paul Bryan
Chairman