

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
January 27, 2016

The Lake County Planning and Zoning Board met on Wednesday, January 27, 2016 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, February 16, 2016 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Kathryn McKeeby, Secretary	District 1
Laura Jones Smith	District 2
Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5

Members Not Present:

Donald Heaton	Ex-Officio Non-Voting Military
Vacant	At-Large Representative
Debbie Stivender	School Board Representative

Staff Present:

Robert L. Chandler IV, Director of Economic Growth
Chris Schmidt, Manager, Planning & Community Design Division
Steve Greene, AICP, Chief Planner, Planning & Zoning Division
Tim McClendon, Chief Planner, Division of Planning & Zoning
Rick Hartenstein, AICP, Senior Planner, Division of Planning & Zoning
Melving Isaac, Senior Planner, Division of Planning & Zoning
Michele Janiszewski, Planner, Division of Planning & Zoning
Kim Haskins, Office Associate, Division of Planning & Zoning
Erin Hartigan, Assistant County Attorney
Angela Harrold, Deputy Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:03 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance, and Tim Morris gave the invocation. He asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.

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Other Business

Adjournment

AGENDA UPDATES

Mr. Bryan noted that there was nothing on the Regular Agenda and that all of the cases were currently on the Consent Agenda. He asked if anything has been moved to the Regular Agenda.

Mr. Steve Greene, Chief Planner, Planning and Zoning Division, Economic Growth

Department, reported that Tabs 4, 5 and 6 needed to be moved from the consent agenda to the regular agenda. He noted there were no other changes after this to the agenda.

MINUTES

MOTION by Timothy Morris, **SECONDED** by Kathy McKeeby to **APPROVE** the Minutes of January 6, 2016 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Bryan, McKeeby, Morris, Gonzalez, Smith

AGAINST: None

MOTION CARRIED: 5-0

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	Ordinance 2016-XX	LDR Amendment Building Code References
Tab 2	CUP-15-07-5	Fiddler’s Green Ranch CUP
Tab 3	RZ-15-22-1	Mohamed El-Aswad

MOTION by Rick Gonzalez, **SECONDED** by Kathy McKeeby to **APPROVE** the Consent Agenda which includes Tabs 1, 2 and 3 while moving Tabs 4, 5 and 6 to regular agenda.

FOR: Bryan, McKeeby, Morris, Gonzalez, Smith

AGAINST: None

MOTION CARRIED: 5-0

REGULAR AGENDA:

Tab 4 - RZ-15-24-5 - Chrysalis Health CFD Amendment

Rick Hartenstein, Senior Planner, Planning and Zoning Division, Economic Growth Department, presented RZ-15-24-5, the request to amend the Community Facility District (CFD) Ordinance #1998-76, for the Lake County Boys Ranch, to change the use of the

property to a Comprehensive Transitional Education Facility and rescind and replace Ordinance #1998-76 with a new Ordinance. He noted that the property is located north of Altoona off of State Road 19 at Boy's Ranch Road. He stated that the future land use is rural, the zoning is CFD, and that will continue with the new Ordinance. He noted that a Comprehensive Transitional Training Facility is defined in the Land Development Regulations (LDR) as a group of jointly operating centers or units which provide educational care, training, treatment, habilitation and rehabilitation services to persons who have developmental disabilities. He pointed out that parcels located within the Rural Future Land Use Category and within the CFD zoning district have an established base density of 1 dwelling unit to 5 net acres. He stated that the area is in the Wekiva-Ocala Rural Protection Area and was originally developed under a Conditional Use Permit in the 1970's, and in September 1998 it was rezoned to Community Facility District (CFD.) He said the purpose for the proposed rezoning amendment is to clarify the uses for the property and establish conditions consistent with the Comprehensive Plan and Land Development Regulations (LDR). He pointed out the rezoning is consistent with the Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category which allows nursing and personal care facilities as a conditional use. He stated that through the CFD zoning district, it fulfills the requirements of a conditional use because it is a specific ordinance to the site with specific conditions. He said the staff recommends approval for this amendment with the conditions established in the Ordinance.

Mr. Bryan opened the floor to public comment, since the applicant did not choose to speak prior to public comment.

Joan Woods of Altoona stated that she lives across Boys Ranch Rd. from the establishment and is concerned. She believes it is a big change from what was the Lake County Boys Ranch to the new use being described. She noted there was no mention made of how many residents would be on the property, and she is concerned about fencing surrounding the area which she describes as wide open. She is concerned that the residents can wander into the forest, which can be dangerous for someone unfamiliar with the area. She queried if there was a plan for fencing the area further and wanted to know the ages of the residents.

Mr. Hartenstein addressed the concern regarding the quantity of residents, and he noted that the ordinance specifies a maximum number of 60 beds.

Emanuel Menendez, CEO of Chrysalis Health, noted that Chrysalis Health has been operating facilities in the State of Florida for over 20 years and is considered one of the best providers in the state. He stated that no at-risk youth will be staying on the property, which he recognized as being an issue in the past with other providers, and instead it will be utilized for young adults aged 18-35 years old with behavioral and developmental issues. He pointed out that the property is fenced and staffed adequately with over 40 employees coming from the area. He stated that there is a fence on the forest side of the property and also a split rail fence at the front.

Mr. Morris asked if Mr. Menendez has run other facilities.

Mr. Menendez stated yes, that there are several with most of them being in Broward County and some in Palm Beach County.

Mr. Morris asked if these are private or public contracts.

Mr. Menendez stated that they are state run facilities.

Mr. Gonzalez asked if the residents staying at the facility could be considered wanderers.

Mr. Menendez said no, that they were not. He stated that the residents are not children, so there is no concern for that. He said that it is not a long term facility and they will only reside on the premises for 60-90 days at a maximum. He noted that they then transition to other community based programs.

Mr. Bryan stated that the Ordinance allows for 60 beds, clarified that there would be 40 employees there, and then asked what the quantity of overnight staff would be.

Mr. Menendez stated that the number could change to employ more staff as the residence grows, but as it stands they run a 1:6 at night. He pointed out that depending on the severity of the residents, that could increase. He stated that the state mandate is 1:12 and that they generally exceed all state staffing patterns.

Mr. Morris asked if the facility would use restraints.

Mr. Menendez replied that they would not be using chemical or physical restraints.

Ms. Woods returned to say that she did not feel the fences are adequate and that in many places they are falling down. She noted she could walk in any direction and leave the property.

Mr. Bryan noted that he did not believe there a plan to put up further fencing.

MOTION by Rick Gonzalez, SECONDED by Laura Jones Smith to APPROVE Tab 4, RZ-15-24-5, the request to amend Community Facility District Ordinance #1998-76 (Lake County Boys Ranch) to change the use of the property to a Comprehensive Transitional Educational Facility and rescind/replace Ord. #1998-76 with a new Ordinance.

FOR: Bryan, McKeeby, Morris, Gonzalez, Smith

AGAINST: None

MOTION CARRIED: 5-0

Tab 5 - RZ-15-28-4 - Summer Lake-Grace Groves PUD/MCUP Rezoning

Mr. Rick Hartenstein presented the case for RZ-15-28-4, the Summer Lake-Grace Groves rezoning which, taken into parts, proposes a phased mix-use Plan Unit Development (PUD) and borrow pit/mining conditional use permit to supply fill material for the construction of the Wekiva Parkway. He noted that this is a mixed use PUD that consists of a college, medical services, hospital, industrial, commercial and multi-family residential use along with the borrow pit use in a phase buildout covering a 55-year span. He pointed out that if approved, the applicant is asking for the development application of phase 1 of the PUD which will be the initial development of the college campus, and then other phases will follow as part of the proposed ordinance. He stated that the borrow pit activity is the proposal of removing 2.75 million cubic yards of dirt from the property to supply filling materials for the Wekiva Parkway construction. He then presented maps showing the areas in question. He made note that there will not be any hauling of dirt or materials associated with the borrow pit on county roads; it will be limited to the right of way road directly to the Wekiva Parkway project. He noted that it is the recommendation of the staff to approve the rezoning of the 265.5 +/- acres from Agriculture to Planned Unit Development for a phased, mixed-use PUD together with a borrow pit/mining use (MCUP) subject to the established conditions and contingent upon the adoption of comprehensive plan amendment CP-2015-05 by the Board of County Commissioners which will be heard on February 16, 2016. He noted that there have been opposition letters received, and he will distribute those to the Board in the BCC package.

Ms. Jones Smith asked about a new boulevard being constructed to access the site and wanted to know the location of the boulevard.

Mr. Hartenstein noted that the entrances will be located off of Round Lake Road across from the Sullivan Ranch subdivision entrance and north of Coronado Summerset Drive.

Ms. Jones Smith then asked if the roads would be improved to handle the new volume of traffic. She pointed out that Round Lake Road and the agricultural road of Coronado Summerset Drive would not be adequate in their current state to handle the traffic increase even if good road design on the site is done.

Mr. Hartenstein noted that they would be looked at during each development application being handled on a case by case basis, and any off site road impacts would be addressed at that time.

Mr. Timothy Morris noted the he has a conflict on this case due to his being on the Board of Trustees for Lake Sumter State College and therefore would not be voting on this case.

Mr. Greg Beliveau, the applicant, stated that it is contingent that the dirt be removed and noted that it is not a pit but a grading effort to level out the area for development. He stated that the college cannot be built on the current grade level because the difference is a 3-story height differential; therefore, the area would be graded to level the large hill area to 122

foot grade elevation. He said the materials removed will be taken to the Wekiva Parkway project as fill. He noted that the parkway has a major impact to the site and area as a transportation model, and the parkway project has a need for the fill. He stated that Lake County policies allow for this, as it is a public need since the parkway has been endorsed by the County Commission. He pointed out that the trucks will be moved on to the site one time, they will haul the dirt directly to the Wekiva Parkway project area never using county roads, and then the trucks will come off of the site at the end. He continued by speaking on the PUD portion of the project, stating that Public Works, the MPO and a traffic engineer put a plan in place for the traffic and road issues that could occur; and anything impacted will need to be improved. He stated that the City of Mount Dora and Lake County have been involved in this for over a year and a half, and the visioning process has been completed and incorporated into the plan. He opined that Mount Dora, Lake County Economic Development and Lake Sumter State College are all excited about the project. He pointed out that the first land uses are predominantly residential, and there are buffers in place that allow them to be good neighbors. He elaborated that the most intense uses are in the center of the area, and the architectural design standards are that of Mount Dora, adding that water and sewer will also be from Mount Dora. He also pointed out that there will be no need for a conservation easement in place for the wetlands in the area, because they will be acquired as a right of way for the parkway project, and the marsh will be used as a storm water overflow system. He noted that they will be deferring any permitting or conservation easements until after the construction of the parkway is completed, and if there are wetlands left, they will be put in conservation easements at that time.

Mr. Bryan asked if the property on the east side of the Wekiva Parkway would be retained or acquired fully by the parkway project.

Mr. Beliveau replied that it was an open space, but that there are 76 acres on the east side that are owned that are not part of this project and this area is being retained for single family development.

The Chairman then opened the floor to public comment.

Mr. James Dial of Mount Dora stated that he lives in the subdivision of Sullivan Ranch, across from Round Lake Road, and he is concerned about noise, more traffic, and the dust generated from the grading. He said he bought his home there because it was a nice quiet area, not because of colleges and warehouse districts. He noted he is concerned about people coming into the area with no real investment in community.

Ms. Vanessa Townsend stated she is homeowner from Sullivan Ranch and bought a home there for the quiet. She stated that the plans may be in conjunction with the city's ordinance but they do not live in the city; they live in a rural community. She said she does not want to live across from a college, does not want the noise and extra traffic, and does not want her property value to decline. She questioned the notification process, saying that notification was given at the last minute on January 15, 2016, which did not allow the community time to be there. She stated that notification was given in the Orlando Sentinel and they live in

Lake County. She opined that the college and commercial setting does not fit in the surrounding area. She stated that in 2011 flooding occurred in her home from previous grading of the property and she is concerned about that happening again. She asked what recourse the homeowners have if the land owner and developer do not adhere to the ordinance and guidelines.

Ms. Sheila Sawyer noted that she was on the Planning and Zoning Board and also a Commissioner in Lake Mary in the 1990's. She stated she moved to Sullivan Ranch for the quiet after living in Lake Mary directly across from Seminole College, where she saw the impact on the community there firsthand. She noted the college increased in size and impacted the traffic. She stated she does not agree with the notification process and recommends that the board extend the 500-foot guideline for notification since the area is rural and not urban. She stated that the community pays County taxes, not taxes to the City of Mount Dora, so she feels that what is done in Mount Dora should not pertain to them. She expressed concerned about speeding from dump trucks on the residential, two-lane road and the noise and dust they can bring. She questioned if the residential areas noted would be apartments or single family. She asked the Board to reconsider.

Mr. Morris clarified that currently the area is zoned for four dwelling units to the net acre.

Mr. Matthew Simpson from Mount Dora stated that he lives on the south side of the proposed area. He pointed out that the borrow pit process is scheduled to run Monday through Saturday, from 7:00 AM to 7:00 PM and continues through an extended period of up to 3 years. He stated that he is concerned that the constant noise will impact his lifestyle and animals. He stated that in the proposal there is a 200 foot buffer on the northern border but that is it only 100 feet on the southern border, and he believes the buffer should be equal on all sides. He noted that Round Lake Road is a feeder road and that the separate road being created just goes back around to Round Lake Road, so he believes they are just diverting the traffic to another section of Round Lake Road. He does not believe the road can handle the excess traffic which he opined will increase 8.54% per year. He noted there is nothing shown in the plan to deal with this and that Phase 1 being the first 400 students for the college will have an impact. He believes that setting up a PUD that just covers the basics now, leaving the rest to future board members, does not protect the area. He continued by saying that guidelines need to be in place now for the concerns of the people and that assurances on the borrow pit being only a rough grading needed to be put into the agreement because there is currently nothing in writing.

Ms. Jody Baumgardner from Sorrento stated that the current zoning changes are affecting two sides of her property and that there is already a borrow pit on one of the pieces of property. She stated that it has slowed down over the last eight months, but it was terrible over the several months it occurred due to the noise and dirt, and it also caused rain to drain down the side of her property line. She stated that Coronado Road is not wide and that there are school buses that come down the road for bus stops, families living there, and wildlife. She stated that with the Wekiva Parkway being constructed behind the area will add to the problem. She opined that property values will go down and asked the Board to please

evaluate longer and harder on this proposal. She believes that the only people being impacted positively by this are the people selling the dirt and that she is opposed to this kind of growth.

Ms. Judy Lawrence speaking for Kathy Mielke, who had to leave, stated that she had heard that Mount Dora wants to make Round Lake Road a four-lane road from at least Wolf Branch Road down to the Orange County line. She noted that Swan Lake Road is a curved road, and the access road being proposed does come out to Swan Lake Road. She stated that it is a small two-lane residential road, and she is concerned that there will be car accidents once the college opens. She opined that speed bumps and police will need to be placed. She stated they moved out to the area 15 years ago for the peace and quiet and believes the developers are not being truthful.

Mr. Gonzalez asked Ms. Lawrence if she looked at the comprehensive future land use for the area when she purchased her home, and was this type of development noted

Ms. Lawrence stated that the possibility of Wekiva Parkway was there but not this type of development.

Mr. Bryan noted that Ms. McKeeby needed to leave at 10:30 AM and with Mr. Morris being unable to vote the quorum may be lost and a postponement may need to happen.

Ms. Erin Hartigan, from the County Attorney's office, stated she was researching the issue.

Mr. Roy Gress from Sorrento noted that his biggest concern is the people accessing the area and the traffic it will bring. He stated that there is already a serious traffic flow issue at the end of Oak Lane near the Sorrento Cemetery where the publicly maintained road ends. He stated that there is a drastic increase of contractors that are core drilling, surveyors, and environmental impact studies. He opined that they have started to destroy the road which is how they get to their residences at the end of the lane. He stated he is hoping that someone planned for the impact of this.

Mr. Kenneth Letourneau, a resident of Sorrento who lives on the northeast corner of the proposed rezoning, expressed concern about the absence of a noise buffer during the excavating of the dirt on that side of the development due to mature trees being cut down as well as the long-term potential noise in the area. However, he acknowledged that he knew there was not a lot that could be done with the property.

Ms. Kim Buffken, a resident of Sorrento who lives on the south portion of the proposed development, commented that even though they did research before they moved to their home, it was difficult to know where development was going to occur. She expressed concern about dealing with development directly across from her home for the next 55 years, and she commented that they have not heard from leaders from the City of Mount Dora about what their vision is and how they feel. She asked what the timeline would be for the hospital, school, and multi-family development and whether there were any intentions to

use the cul-de-sac to the south of the development, which would create traffic on their street and a hazard for the children and residents who plan to be there for the long-term.

Sara Ergang, who lives on the end of Meadowland Drive, related that she did not have any idea that there would be a development constructed on the proposed site. She pointed out that the area was very environmentally sensitive, and there were bears, gopher tortoises, scrub jays, eagles, and red-tail hawks on the property, as well as a small, natural spring. She opined that the borrow pit excavation will take away any habitat for the animals to take refuge in and take away their peaceful environment. She concluded that she also did not want to see the expected traffic, especially around the school bus stops.

Mr. Beliveau pointed out that the regional office designation has been in that area for a long time, before the 2010 Comprehensive Plan, and the County and the City have been marketing this area as an economic generator, noting that the Master Plan for this area is available to those who would like to read it. He stated that as part of the Master Plan, Mount Dora is working with the MPO and looking at a transportation network for the area. He pointed out that it is not a "pit" but instead is a borrow/mass grading plan that stops at grade 122, which is stated in the document. He stated that phase 1 of the college will not negatively impact the level of service on the road, and there is an extensive list of upgrades to the roads when future phases are constructed. He said that there is a noise study being completed and there cannot be any impact above ambient noise to the properties adjacent to the site development per the Lake County ordinance. He opined that because there is no grading being done past the parkway, residences on Swan Lake Road and also on the northeast side will not be impacted by the mass grading. He stated there are 76 acres that will act as a buffer on that side, and the long range goal for that area is green space. He then pointed out the map showing the buffer further.

Mr. Bryan asked why there was a 100-foot buffer to on one side while the other has a 200 foot buffer.

Mr. Beliveau stated that is because there are undeveloped areas around the grading area that are not affected.

Ms. Jones Smith asked Mr. Beliveau to show them on the map where the grade line currently is.

Mr. Beliveau pointed to the area on the map and noted that they would add the additional 100 feet to the areas currently only planned with a 100 foot buffer. He pointed out where the existing tree line is and noted that what trees are there will be left, and anything impacted will be augmented per the Lake County requirements. He stated that they have submitted an extensive tree plan per the requirements and are also adhering to the noise ordinance. He reiterated that the trucks will go on to the site, they will stay on the site, and there is not a hole being dug. He said that the uses they are proposing are consistent with the Lake County Comprehensive Plan, which has been in motion for several years, and the development team is complying with all the Land Use Regulations.

Mr. Bryan asked what the future land use was prior to 2010.

Mr. Beliveau stated that it was an employment center. He commented that the drainage for the site goes to the northeast and was not responsible for the flooding that took place in Sullivan Ranch in 2011. He noted that the plan does not affect Oak Lane or anything south to Orange County, and the only road being impacted currently will be the new 100-foot boulevard off of Round Lake Road which is lined up with the Sullivan Ranch entrance to make a four-point intersection per Lake County Public Works.

Mr. Gonzalez asked if Mr. Beliveau had heard that there was a spring on the property.

Mr. Beliveau responded that he had not been told that and that there have been environmentalists on the property four times. He stated that they have received all of their clearance letters including their St. John's Water District permit, the Sand Skink permit, and the Gopher Tortoise Relocation permits.

Mr. Morris made a comment on behalf of the Lake Sumter State College, noting that when the completion of Phase 5 is done, it will not be more than 60,000 square feet total, which is smaller than a Wal-Mart. He stated that the college had been looking for an area to have a regional campus on, and it worked out that the developer was looking to place a college campus there.

Ms. McKeeby asked if the only entrance will be the Round Lake Road entrance.

Mr. Beliveau stated that it will be the initial entrance, but through the life of the project there will be additional access points per the requirements, and the roads will be improved as those are constructed which is outlined in the PUD. He confirmed that with phase 1 of the college, Round Lake Road will be the only access point and reiterated that it is a collector road and based on both the MPO and Lake County Public Works' study. He assured everyone that there will be no negative impact on the road.

Mr. Bryan asked about management of potential dust.

Mr. Beliveau confirmed that there is dust control in place. He also confirmed that they are agreeable to increasing the buffer on the south side from 100 feet to 200 feet.

Ms. McKeeby commented that no matter the outcome of this, the Wekiva Parkway project will need fill dirt, and the proposition here is to move the dirt from the development site to the parkway project area. She noted that it is her understanding that the trucks will not haul the dirt on the roads.

Mr. Hartenstein responded that the ordinance prohibits the use of County roads for that type of hauling, and the trucks will only use the County road to get on to the site but not to haul the materials.

Mr. Bryan asked how long the planning team had been working on this project.

Mr. Hartenstein replied that he had personally been working on the plan for 2-3 months but that it had previously been in the works for an extensive period of time.

Ms. Jones Smith clarified that the reason the City of Mount Dora was involved is because the site falls within Mount Dora’s planning area, and the water and sewer will be provided by Mount Dora.

Mr. Hartenstein noted further that the City of Mount Dora agreed to be required to annex before water or sewer would be provided, and the Interlocal Service Boundary Agreement (ISBA) area can be annexed without being adjacent.

Mr. Bryan queried whether or not comments were received from the City of Mount Dora with regard to the project.

Mr. Hartenstein stated that the City of Mount Dora was provided the complete application package, and the only comments received back were a notice that they would require a utility service agreement and statements signed as an agreement for annexation. He confirmed that their utility service agreement will be included with the PUD when the first application for development is submitted.

Ms. Jones Smith stated that she would be in favor of the motion if the south buffer was increased to 200 feet for mining activity to match the north buffer which is set at 200 feet.

MOTION by Laura Smith Jones, SECONDED by Kathy McKeeby to APPROVE Tab 5, RZ-15-28-4, to be amended that the southern boundary for the mining activity buffer shall be increased from 100 feet to 200 feet.

**FOR: Bryan, McKeeby, Gonzalez, Smith
Morris abstained due to conflict.**

AGAINST: None

MOTION CARRIED: 4-0

The Chairman called a recess at 10:38 am for 5 minutes.
Ms. Kathy McKeeby left Chambers at 10:40 am.

Tab 6 - RZ-15-6-4 - Mt. Plymouth Greens PUD

Mr. Rick Hartenstein presented RZ-15-06-4, the rezoning of 92.8 +/- acres from Medium Residential District (R-3) to Planned Unit Development (PUD) for a single-family residential development, proposed at 2.12 dwelling units per acre, to include a partial

landscape waiver for Land Development Regulation (LDR) Section 9.01.06. He pointed out that this is in line with Comprehensive Plan Policy I-2.1.2 Guiding Principles for Development within the Mount Plymouth-Sorrento Community and Comprehensive Plan Policy I-3.2.4 Wekiva River Protection Area, Mt. Plymouth-Sorrento Receiving Area Future Land Use Category. He stated that the applicant is proposing single family development units consisting of three different lot sizes, 75', 85' and 100' wide, to provide compatibility with the surrounding neighborhood. He presented maps showing the area of development, the current zoning, and the future land use showing the Mt. Plymouth-Sorrento Receiving Area. He stated that the project will utilize central water and sewer consistent with additional policies contained within the Comprehensive Plan related to the development activities within the Wekiva River Protection Area and the Wekiva Study Area. He said that there will be an integrated network of local two-lane roads along with bike/golf cart paths and pedestrian walkways joining the neighborhoods, which will provide connection to the Main Street area. He pointed out there will also be architectural guidelines, traffic calming and open space. He noted that the applicant is applying for a partial waiver request of Section 9.01.06, table 2, of the LDR. He mentioned that street trees will be provided as a buffer; however they are asking that they not have to provide the single row of shrubbery along the right of ways. He added that there will be no double frontage access, as they only want one access point per single family lot. He stated that the proposed development is within a protected recharge area and further defined in the Comprehensive Plan as "most effective recharge area." He then showed the recharge area on the map. He stated that one of the things that would protect the recharge area from runoff of septic would be the provision of the central water and sewer planned in the proposal. He pointed out that an additional condition is the setup for reclaimed water, and another condition has been added to leave the existing tree canopy intact as much as possible. He pointed out that the use of dark sky principles for exterior lighting are consistent with the Comprehensive Plan. He gave examples of the traffic calming plan proposed for the development. He commented that the rezoning will have no impact on the Lake County schools in the area, but the project will be subject to school concurrency and will be addressed at the time of final development. He presented a letter of availability for water and sewer which states that they have capacity for the first phase of 100 lots and work is being done to increase capacity for further buildout. He pointed out that improvements needed to obtain additional capacity would be at the developer's expense. He noted that although there are no regulations in the ordinance that require underground utilities of electric or cable, staff has suggested that it be added to the ordinance. He noted that based upon the findings of fact, it is the recommendation of the staff to approve RZ-15-06-4 with conditions contained in the ordinance as outlined.

Mr. Gonzalez asked what the total number of proposed lots was.

Mr. Hartenstein stated that there are 197 proposed lots.

Mr. Gonzalez pointed out that if the land was developed under the current R-3 zoning, it would be more lots per acre as opposed to after rezoning to a PUD.

Mr. Ray Bradick from PKA Orlando, Inc., the applicant, presented a PowerPoint to the Board. He noted that he is acting as the development manager for the owner, Pandevco LLC and that he had owned engineering company for 42 years. He presented the timeline of the project indicating that they submitted a pre-submittal to Lake County in July of 2014, met with the homeowners of existing homes in the area with a revised plan of 188 quarter acre lots in February 2015, and sent a full PUD submittal to Lake County on March 2, 2015 following the meeting with the homeowners. He pointed out that 18 100' foot lots were added to the lot count to 206, all still having central water and septic. He pointed out that there was a meeting on March 26, 2016 with County staff to review their concerns and recommendations, and it was at that point the pedestrian friendly concept was incorporated. He noted that after, this a revised plan was submitted in April 2015 with 205 lots. He stated that a second meeting with the neighborhood was organized by Lake County Public Works Engineering Department to present the concept to the neighborhood, and at that time Mr. Beliveau was hired to consult on the homeowners' behalf. He noted that the lots were set at 50' in 1923, and since that time there have been lots combined to make the space larger for some of the existing homes which have created varying lot sizes in the area. He opined that proposing three different lot sizes mirrors better what exists in the neighborhood. He noted that they would also complete the paving of Exmoor Drive in phase 1, completing the road network. He pointed out that a fourth version of the plan was submitted for approval on December 29, 2015, and he presented images of what the existing homes in the area look like. He specified that 28% of the lots will be 100', 27% will be 85' and 45% as 75' lots. He presented the different model types, noting specifically the craftsman style, and stated that the minimum living area would be 1800 square feet. He stated that the front setbacks would be 25' (from the right of way line rather than the center of the road), and there will be an additional 8' of right of way bringing it to 58' from the center line of the road. He noted traffic concerns would be addressed by working with the County engineering staff and utilizing varying traffic calming devices along with four-way stops. He presented the financials of the development. He commented that he believes that they have met all of the Lake County policies and regulations per the Comprehensive Plan and Land Development Regulations, although he knows that there is still a long road ahead. He presented a summary of why the rezoning should be approved.

Ms. Jones Smith asked if there was a legally organized Homeowners Association (HOA) for the existing residences in the area and whether there would be risk that the existing homeowners would be locked out of using the open spaces or the golf cart paths.

Mr. Bradick responded that he does not believe there is an HOA, but the new development would have one. He added that there are no plans to restrict access to the open spaces and golf cart paths, and it is intended that the neighborhoods be integrated.

Mr. Morris asked if there would be a fee for an existing resident to hook up the central water and sewer.

Mr. Bradick answered that there would be a fee as if they were a new homeowner in the development. He noted there is current capacity for 100 units, and then FGUA will proceed

to an expansion to ensure capacity for further phases plus build-in for possible additional development.

Mr. Gonzalez asked for a time frame of absorption concerning the new homes.

Mr. Bradick stated that the hope is for four houses per month, which would make for a successful project.

The Chairman opened the floor to public comment.

Tim Bailey a resident of the Mt Plymouth area and Chairman of the Mt. Plymouth-Sorrento CRA, clarified that he was not there on behalf of that group and that the CRA is not inclusive of the parcel of land in question and noted that one community concern is the timeline. He commented that the developer for this area is the same developer of the golf course on Park Ave in Winter Park and the Dubsdread Golf Course in the College Park area in Orlando. He opined that this is meaningful and significant to the community and its lifestyle. He expressed concern about the possible change to their lifestyle, the unknown design standards, and the environmental impact. He stated that they are requesting utilities as opposed to advanced septic tanks and that the new lots not be less than 100' in size to keep with the area aesthetic. He stated that the average setback from the property line is in the 40' area, and he feels that going to 25' would significantly change the look of the neighborhood. He was also concerned with the double frontage lots and how they will look.

Ryan Rickett of Sorrento asked what the date and timeline of the development would be. He also expressed environmental concerns in regards to septic and water, as there are lots adjacent to the opposite side of the development as well. He pointed out that there is no guarantee of sizing leading to the availability of communal space, which is the primary reason people moved to that area. He stated that this is driving him to move, and he does not understand why they are not developing the land to the south.

Mr. Morris asked if Mr. Rickett was on a septic water system and if so, would he change to central water and sewer.

Mr. Rickett stated that he was on a septic system and he stated that he would not switch to central water and sewer because he is concerned about the density of the area. He is also concerned over the fact that the lines had not been placed there by the County or State. He expressed belief that there are closer to four residences per acre.

Mr. Scott Taylor from Sorrento clarified that the ordinance has changed to require mandatory central sewer. He stated that he believes the Mt. Plymouth Golf community has changed from its original plat in 1923. He said that he owns 41 of the original lots which total only 7 acres, and he opined that the new development is inconsistent with the current area. He commented that additional lots would impact water consumption and nutrient loading and that surface area would be reduced. He is concerned about the number of trees

that will be removed because the PUD only requires one planted tree per lot. He wanted to suggest being more careful and not to harm the unique character of the area.

Henry Jakucewicz from Mount Plymouth sent in a letter to the board on the matter and stated that the homes were built on a golf course, and it was expected that the houses would stay on an open space if not the golf course. He noted that he built the home himself in 2008 which cost \$250,000, but when he refinanced it was worth \$150,000. He pointed out that there are two \$500,000 homes in the area that sold recently for half that amount, and he believes the development will not increase the value of the existing home. He opined that taking the open space away does not improve the lifestyle.

Ms. Jones Smith asked how the vacant golf course is being maintained.

Mr. Jakucewicz stated that a voluntary group mows and maintains the land. He noted that mowing was sufficient because there is wildlife that lives on the land, and it is beautiful.

Dave Ledger, a resident from Mt. Plymouth for 12 years, related that he was told it was never going to be developed and would stay a golf course or become a pasture. He said that now that it is going to be developed, he wants to know why all of the powerlines cannot be buried to match.

Russ Melling from Sorrento commented that he has seen a lot of changes in that area over the last 28 years, with traffic flow being the most significant change, but the subject of traffic counts and the project counts had not been mentioned. He stated that turning left from 435 onto CR46 takes 2 or 3 light changes to be able to turn, which he does not believe the 429 will help alleviate, and he is concerned what another 200 homes will bring to the traffic. He also stated that if one road is outfitted with speed bumps, then all of the roads need to be given speed bumps. He says that the existing road is unsafe to walk down, and he hopes the increase in population will be taken into account with the roads and traffic addressed, which he opined is a major quality of life issue. He is glad about the sewage system but is concerned about the protection of the Wekiva Springs area and about densities of lots and believes that the houses should be 100' lots. He stated that 20 years ago the County required that all of the single lots be merged into two-three lots to have a minimum of 100', and he believes 75' lots are a step in the wrong direction.

David Storch, who lives in the Fairways in Mt. Plymouth, which is the subdivision across the street from the proposed development area, and is Vice President of their Homeowners Association, expressed his concern about water and sewer and what adding more homes will do to the water pressure, which is already low, noting that the water utility company told him that the system was built for only 262 homes. He added that currently there are 242 homes built in Fairways and 243 lots, and he is concerned that if another 200 homes are built, there will be no water pressure left in the subdivision. He would like to see the new subdivision have its own system built. He commented that the water prices are too high, and the pricing will go up as a family of four is currently spending \$300-\$450 a month on utilities. He asked why there would be golf cart paths to maintain if there is no golf course.

Mr. Gonzalez asked Mr. Storch if he had St. Augustine grass.

Mr. Storch replied that he did but replaced it with Bahia grass, and he had to install a well for irrigation on his property to keep his grass green, which cost him \$4,000. He added that no one can afford the irrigation, so there are only about 10-12 homes that spent the money to put the well in, and there is dead grass seen throughout the development.

Mr. Greg Beliveau spoke representing the Mt Plymouth Landowners League made up of a series of landowners from all three subdivisions adjacent to the golf course, and gave a list of items requested by the league for clarification of compatibility, design guidelines and landscape. He noted that issues dealing with central water and sewer had already been addressed by the staff and the developer. He stated that the league is requesting a plan that would show more 100' lots, showing front setbacks being 62' from the center line of the road, side setbacks being closer to 10' and provide an average square footage of homes, not just a minimum. He added that they would like notation stating that garages cannot be converted to living areas and that driveways must be concrete or pavers. He stated that for design guidelines, they would like to see more details on elevations, a bungalow design to be added, 7' wide porches as part of standard package, addition of a requirement that 25% of the homes have side garages, that homes need to have two car garages, and a full scope of design guidelines and architectural details. He said that for landscaping, the league is requesting no waivers to landscape codes, a 6' living wall within all of the landscape buffers including the boundaries in the double frontage lots, and that the street trees be a minimum 45 gallon and 16' feet. He stated they are further requesting a lot set aside for the storage of RVs, trailers and boats and also that front fences be restricted to 4' maximums and that they be decorative or split rails rather than chain link fences.

Ms. Jones Smith asked how it would be possible to guarantee an average square footage prior to the home being built.

Mr. Beliveau said it could be determined based on the surrounding neighborhood homes and pointed out that he represented a developer in the past that knew the minimum and maximums beforehand so they were able to obtain an average.

Ms. Jones Smith noted that the requirement to follow the average standard would not fall on the developer but on the County during the permitting process. She questioned how the County can enforce it if the developer does not predesign the whole subdivision. She then clarified that the setback request was resolved, as the League asked for the setback to be 62' from the center line of the road.

Sheryl L. Pennington from Mt. Plymouth opined that all vehicles that come through the development will impact her home. She said that she is completely opposed but understands the development will move forward, and she asked that the board be conscientious about making decisions concerning the water. She stated that there is an issue of what will happen to the wildlife and to please keep that in mind.

Nancy Prine, a longtime member of Friends of the Wekiva River, noted she was pleased about the water and sewer plan as that was their main concern. She wanted to raise a further point that the 26% open space now leaves 74% of displaced water. She stated that this is the highest recharge area, and now the immediate area will no longer have that. She said they hope all of the requirements for the development are followed and knows that the Lake County staff will do their best to ensure that. She asked about the future use of the reclaimed water and emphasized that this is of importance. She asked that any irrigation done on the site be supplied by a source other than wells because it is a recharge area and that it be controlled by smart irrigation, and she noted that mitigation is needed for each tree taken down to protect the neighborhood character.

Mr. Gonzalez asked if there was reclaimed water available now. Ms. Prine stated that it is not, but it could be available if the central water and sewer plant processed the water to the extent that it could be available after providing water and sewer to the area.

Mr. Bryan pointed out that ordinance does require that they use reclaimed water when available.

Ms. Jones Smith stated that the reuse water lines needed to be installed even if reuse is not available so that reclaim water can be used when it does become available.

Mr. Bryan stated that they would clarify this with the applicant during the rebuttal.

Frances Nipe from Mt. Plymouth related that she has provided a letter from the President of the Mt. Plymouth Landowners Association, of which she is on the board. She stated that the Association objects to the plan as proposed and that the ideal choice would be that the area becomes a golf course again and second choice would be a wildlife corridor. She stated that they would prefer the PUD zoning and for the project to have creativity. She referred to the drawing that Mr. Greg Beliveau provided showing that the parcels could be developed with 100' lots and 81'-85' lots on the street curve, and that would leave 166 lots. She pointed out that the property is long and linear, and the houses developed will impact many other homes. She noted that the two areas are diametrically opposed because the established homes are in a wooded area where the fairways of the golf course are not. She stated that each house is unique, and she feels strongly that the current development plans are not compatible with the existing area, further commenting that having 100' lots is best. She pointed out that having front porches would be critical to having a pedestrian community.

Ms. Nipe stated that the reason the lots were combined was a requirement from the County.

Mr. Russ Melling stated that there were some issues with the setbacks and the septic tanks on wells, but the bigger issue was quality of the community. He stated that the developer was trying to build on 50' lots only, but they were combined by the County for quality of life issues.

Richard Stoner of Mt. Plymouth stated that there was no mention of the Environmental Protection Agency, and this is a concern for him because golf courses have been known to use pesticides. He said there had been no mention of testing or consideration for what chemicals might be disturbed during development. He noted that he believes that this should be included and monitored.

Mr. Bryan stated he understands the concerns and will have the applicant address the issue in rebuttal.

David Horton from the Mt. Plymouth area shared his concern about fire protection and stated that he learned that the Mt Plymouth Fire Department has only 2 men per 24 hour shift and that the average should be 4. He questioned whether there would be improvement of fire safety with the additional homes, and he believes it is a critical situation that needs to be dealt with now.

Mr. Gonzalez asked whether there could be a ban on St. Augustine grass so that the fertilizers are not running off into the Wekiva River and recommended putting in the ordinance that Bahia grass should be used.

Ms. Jones Smith stated that she believes that should be done at the Homeowners Association level so that it can be enforced more easily.

Mr. Hartenstein responded that there is nothing specifically prohibiting St. Augustine grass, but the ordinance does state that a minimum of 15' wide type B landscape buffer shall be required for all common area and open spaces within the PUD boundary and shall be installed as part of the infrastructure. He further stated that it should be 'Florida friendly' and that drought tolerant and native trees and vegetation should be used. He added that there was a condition in the ordinance for reclaimed water.

Mr. Bradick offered his rebuttal, commenting that compatibility has different criteria that are not strictly the width of the lot but also the size and character of the house as well as the value generated. He said that the regulations for septic by the State of Florida are that you must have a one-half acre lot to meet the criteria. He stated that a possible construction timeline would be a construction start at the end of this year or early 2017 if things go well. He noted that the existing development uses all open storm water, and the pattern of runoff to the swells will remain. He stated that the developer giving an additional 8' of right of way gives an extra area to create a flatter swell and noted that the current vertical water recharge is excellent in that area. He noted that although several of the existing residents stated they would like for it to be a golf course again, in 2007 the current home owners elected not to be owners of the course according to the landowner at the time. He commented that although home values have dropped, bringing in new product will have a positive impact since an appraiser will use the latest closing prices to appraise a resale home, which will increase the value of the home. He pointed out that all new utilities for the planned development will be underground, and a traffic impact study was done showing that no undue burden would be felt with additional homes added which was submitted and

reviewed by County staff. He commented that the opening of SR 429 will help, and speed tables have been agreed upon in the new development, but the rest of the streets are under County responsibility. He also noted that the developer has no control over FGUA, and he would hope that creating more use would help reduce their operating costs and rates. He added that it will be the responsibility of FGUA to provide capacity based on approval from the Environmental Protection Agency for the additional water and to make the improvements needed.

Mr. Bradick noted that Mr. Beliveau's suggestions on square footage averages are difficult to monitor, but opined that the 1800 square feet living space and 2300 square feet total should be appropriate. He pointed out the current side yard setbacks in the R-3 zoning of five feet will increase to 7.5' in the new zoning, and he opined that there needs to be a variation of lot sizes to match the current housing, noting that the mix there is reasonable. He pointed out that the front setback issue is resolved. He stated that they agree to the following items: two car garages, 25% side loaded garages, paved driveway, and to 4' front fencing. He noted, however, that RV storage will be up to the builder, but there can be restriction of RV storage on lots. He pointed out that many environmental studies will be done throughout the process and that there will be a Gopher Tortoise relocation permit. He believes that smart irrigation is a wise thing to do and will be a benefit to home buyers, and the County's requirements for tree mitigation will be met. He noted that there is currently not a Homeowners Association in the area which means there are no architectural standards; he believes the new community improve that by bringing in a HOA to ensure requirements and standards. He emphasized that Lake County's development code has specific criteria for dust and dirt, and the development will meet those criteria. He proposed to pay the fire impact fee as each house is being built in order to help provide some additional funding.

In response to a question from Mr. Morris about porches, Mr. Bradick stated that requiring every house to have a porch is not good practice but it can be encouraged.

Ms. Jones Smith asked if he would be willing to agree to a percentage and Mr. Bradick stated he believed 50% could be agreed to.

Mr. Bryan noted the concern about garages being converted to living areas.

Mr. Bradick stated he agreed, and that could be added to the HOA documents. He opined that he believes they have taken all of the input given and produced a very viable and acceptable plan that is going to be the most favorable use of an area that can no longer be a golf course.

Ms. Jones Smith asked whether the concessions made by the applicant should be included in the PUD Ordinance or in the development documents.

Mr. Hartenstein replied that those issues and the smart irrigation should be in the PUD Ordinance, and it can be required with the landscape plan and should mirror any land development regulations.

Ms. Jones Smith stated that the other issue is defining a front porch, adding that it needs to be in the HOA documents and should be noted as a minimum width and depth and what constitutes a front porch.

Mr. Gonzalez expressed doubts that FGUA has capacity and concern about water pressure. He clarified with Mr. Hartenstein, though, that the County does not have any control over that issue and has to accept FGUA acknowledgments.

Ms. Erin Hartigan noted that the terms for smart irrigation need to be defined as clearly as possible. She also noted that directing the drafting of HOA documents in a certain way may not be the best way to enforce standards, and putting them in the Ordinance would make them easier to enforce through code enforcement, which she believes it can be a strong suggestion to the developer.

Ms. Jones Smith agreed but believed that having it in both places gives the HOA a first line of defense as there are limited resources for code enforcement. She believes it can be dealt with first by the HOA, and then the County code enforcement can step in if the HOA is unable to enforce it.

MOTION by Laura Smith Jones, SECONDED by Timothy Morris to APPROVE Tab 6, RZ-15-06-4, to be amended that the following conditions be added to the Planned Unit Development Zoning Ordinance as well as the Homeowners Association Declaration at such time as those are written; minimum 2 car garage, 25% side loaded garages, paved driveways on all new homes, limit front yard fencing to a maximum of 4' in height, prohibit RV storage on lots with residential homes, require use of smart irrigation with soil moisture sensors or rain sensors for all residential lots, require 50% of homes to have front porches constructed at the time the home is built with the definition of 'porch' to be added in by County staff based on their understanding of what would best represent a porch, and prohibit conversion of garages to living space.

FOR: Bryan, Morris, Gonzalez, Smith

AGAINST: None

MOTION CARRIED: 4-0

OTHER BUSINESS

None

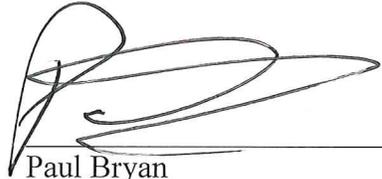
ADJOURNMENT

There being no further business, the meeting was adjourned at 12:56 p.m.

Respectfully submitted,



Angela Harrold
Clerk, Board Support



Paul Bryan
Vice Chairman